S
342
Cit
v. 8

Montana State Library
3 0864 1004 6785 4

TRANSCRIPT OF PROCEEDINGS

MONTANA CONSTITUTIONAL CONVENTION

March 10, 1972

to

March 17, 1972

Vol. VIII

Convention Hall

State Capitol

Helena, Montana

TABLE OF CONTENTS

FORTY-SECOND DAY - Friday, March 10, 1972	5721
FORTY-THIRD DAY - Saturday, March 11, 1972	6124

STATE PUBLISHING CO. HELENA, MONT.

MONTANA CONSTITUTIONAL CONVENTION

FORTY-SECOND DAY

Friday, March 10, 1972 Convention Hall

9:10 o'clock, A.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will come to order, please. If you will all stand, Delegate Scanlin will lead us in the invocation this morning.

DELEGATE SCANLIN: The shouting and the tumult dies, the captains and the kings depart. Still stands that ancient sacrifice and a humble and a contrite heart. With these thoughts of Kipling in mind, let us pray. Suffering long hours of what seems to us to be interminable debate, help us, O Lord, to keep our prize in view. Let us neither gloat in times of victory or become glum in moments of defeat. May we heed the lesson of St. Paul when he wrote: I have learned that in whatsoever state I am, therein to be content. Amen.

PRESIDENT GRAYBILL: We'll take attendance by voting Aye on the voting machine, please.

CLERK HANSON: Delegate Babcock, Delegate Blaylock, Delegate Brown, Delegate Campbell, Delegate Choate, Delegate Drum, Delegate Kelleher, Delegate Swanberg. Mr. President, may Delegate Furlong be excused?

PRESIDENT GRAYBILL: Yes.

CLERK HANSON: Delegate Blaylock, Delegate Drum

STATE PUBLISHING CO. HELENA, MONT.

Delegate Kelleher, Delegate Swanberg.

CHAIRMAN GRAYBILL: There's Drum.

CLERK HANSON: Delegate Blaylock, Delegate Kelleher, Delegate Swanberg.

CHAIRMAN GRAYBILL: Push the button, Mr. Drum, and we'll close the ballot. Mr. Drum, push the button. Very well, take the attendance.

Aasheim	-	Present	Brown	-	Present
Anderson, J.	-	Present	Bugbee	-	Present
Anderson, O.	-	Present	Burkhardt	-	Present
Arbanas	-	Present	Cain	-	Present
Arness	-	Present	Campbell	-	Present
Aronow	-	Present	Cate	-	Present
Artz	-	Present	Champoux	-	Present
Ask	-	Present	Choate	-	Present
Babcock	-	Present	Conover	-	Present
Barnard	-	Present	Cross	-	Present
Bates	-	Present	Dahood	-	Present
Belcher	-	Present	Davis	-	Present
Berg	-	Present	Delaney	-	Present
Berthelson	-	Present	Driscoll	-	Present
Blaylock	-	Absent	Drum	-	Present
Blend	-	Present	Eck	-	Present
Bowman	-	Present	Erdmann	-	Present
Brazier	-	Present	Eskildsen	-	Present

STATE PUBLISHING CO. HELENA, MONT.

1	Etchart	-	Present	Mansfield	-	Present
2	Felt	-	Present	Martin	-	Present
3	Foster	-	Present	McCarvel	-	Present
4	Furlong	-	Excused	McDonough	-	Present
5	Garlington	-	Present	McKeon	-	Present
6	Gysler	-	Present	McNeil	-	Present
7	Habedank	-	Present	Melvin	-	Present
8	Hanson, R. S.	-	Present	Monroe	-	Present
9	Hanson, R.	-	Present	Murray	-	Present
10	Harbaugh	-	Present	Noble	-	Present
11	Harlow	-	Present	Nutting	-	Present
12	Harper	-	Present	Payne	-	Present
13	Harrington	-	Present	Pemberton	-	Present
14	Heliker	-	Present	Rebal	-	Present
15	Holland	-	Present	Reichert	-	Present
16	Jacobsen	-	Present	Robinson	-	Present
17	James	-	Present	Roeder	-	Present
18	Johnson	-	Present	Rollins	-	Present
19	Joyce	-	Present	Romney	-	Present
20	Kamhoot	-	Present	Rygg	-	Present
21	Kelleher	-	Present	Scanlin	-	Present
22	Leuthold	-	Present	Schiltz	-	Present
23	Loendorf	-	Present	Siderius	-	Present
24	Lorello	-	Present	Simon	-	Present
25	Mahoney	-	Present	Skari	-	Present

STATE PUBLISHING CO. HELENA, MONT.

Sparks	-	Present	Vermillion	-	Present
Speer	-	Present	Wagner	-	Present
Studer	-	Present	Ward	-	Present
Sullivan	-	Present	Warden	-	Present
Swanberg	-	Present	Wilson	-	Present
Toole	-	Present	Woodmansey	-	Present
Van Buskirk	-	Present	Mr. President	-	Present

CLERK HANSON: Mr. President, Delegate Swanberg present. Ninety-eight Delegates present, one absent, one excused.

PRESIDENT GRAYBILL: Who is absent?

CLERK HANSON: Blaylock.

PRESIDENT GRAYBILL: Blaylock and Kelleher -- is Kelleher here?

CLERK HANSON: Yes, Kelleher is here.

PRESIDENT GRAYBILL: He's here? Blaylock is missing. Very well, Order of Business Number One, Report of Standing Committees.

CLERK HANSON: (Reading) Mr. President, we your committee on Style, Drafting, Transition and Submission submits to the Convention report number six, Natural Resources and Agriculture. Signed, John M. Schiltz, chairman; William Burkhardt, vice chairman.

PRESIDENT GRAYBILL: Very well, that may -- that is being printed and will be put upon your desks and is placed

STATE PUBLISHING CO. HELENA, MONT.

on General Orders. Reports of Select Committees.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Three, Communications. Mr. Clerk -- Mr. Schiltz, are you on One?

DELEGATE SCHILTZ: Are we on One? Yes. Reports of Standing Committees. May we go back there?

PRESIDENT GRAYBILL: All right, back to Order of Business Number One, Style and Drafting's Natural Resources is accepted.

DELEGATE SCHILTZ: No, I'm referring to the Legislative article, which Style and Drafting reported back under Order of Business Number Five --

PRESIDENT GRAYBILL: Right.

DELEGATE SCHILTZ: -- and was on the desks yesterday.

PRESIDENT GRAYBILL: We're going to take care of that later. You're out of -- you're up too quick.

DELEGATE SCHILTZ: Well, no, I just wanted to report it back under Order of Business Number One so you could refer it.

PRESIDENT GRAYBILL: Oh, very well. And Executive, also?

DELEGATE SCHILTZ: And Executive also, yes, but I -- well, I don't think we need to report that back, but we do. All right, we'll report Executive back, too.

PRESIDENT GRAYBILL: All right, Legislative and

STATE PUBLISHING CO. HELENA, MONT.

Executive are back for Order of Business Number Five. Now, we went through Order of Business Number Two. On Order of Business Number Three, communications, the Chair would like the record to show that last night as the fourth speaker on our distinguished speakers series, we had John N. Gardiner here who spoke to some of the Delegates and who gave an excellent address, for which we are thankful.

CLERK HANSON: John W. Gardiner.

PRESIDENT GRAYBILL: John W. Gardiner, all right. Order of Business Number Four, Introduction of Proposals.

CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: Now, Order of Business Number Five, Final Consideration of Proposals.

Mr. Murray.

DELEGATE MURRAY: Mr. President, it is my understanding that the Legislative Style and Drafting report that Mr. Schiltz just gave verbally, that there are -- there are some matters, a matter or two, which should be discussed in the Committee of the Whole before we vote on this matter under Order of Business Number Five, so I would move at this time that we advance to Order of Business Number Ten, which is General Orders, for the specific and limited purpose of considering this report on the Legislative Style and Drafting.

PRESIDENT GRAYBILL: Very well, you've heard the motion of Mr. Murray that we advance from Order of Business

STATE PUBLISHING CO. HELENA, MONT.

Number Five to Order of Business Number Ten for the specific purpose of handling some minor changes in the Legislative article placed before you. All in favor of that motion, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: All right, we're now -- Mr. Murray.

DELEGATE MURRAY: Mr. President, I move the Convention resolve itself into Committee of the Whole for the consideration of the Legislative Style and Drafting report under General Orders.

PRESIDENT GRAYBILL: Very well, all in favor of that motion say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: So ordered.

(Convention resolved itself into Committee of the Whole. Leo Graybill, Jr. in Chair.)

CHAIRMAN GRAYBILL: Mr. Schiltz, will you explain the problems in the Legislative article.

DELEGATE SCHILTZ: Yes, Mr. Chairman and members of the Committee, we short-cutted a little bit here. I hesi-

STATE PUBLISHING CO. HELENA, MONT.

tate to use that word because is might have a bad connotation in view of all the queries I got yesterday, but had we followed normal routine on the Legislative article and reported it back for ripening for two days under the Committee of the Whole and then we would have got to it some other time when everybody would have forgotten it. The changes were, indeed, minor and you'll recall that the other day I asked that it be rereferred to Style and Drafting so we could incorporate the amendments that were made and also look for any anomalous situations that might have been created that we overlooked. So, the report that you should be looking at is called Unicameral -- up in the upper right hand corner -- and it says, Order of Business Number Five, Final Consideration, Style and Drafting, Legislative, Number Three. That's the one you should be looking at.

Mr. Chairman

CHAIRMAN GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: I move that when this committee does rise and report, after having had under consideration Order of Business Number Five, Style and Drafting report, Legislative article, that it adopt the committee's report as to section four.

CHAIRMAN GRAYBILL: Very well, will you explain section four, Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, here we are just making parallelism between the unicameral and the bicameral

STATE PUBLISHING CO. HELENA, MONT.

and we inserted the words, for the legislature, on lines eighteen and nineteen.

CHAIRMAN GRAYBILL: Is there any discussion of section four?

(No response)

CHAIRMAN GRAYBILL: All in favor of Mr. Schiltz's motion as to section four, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does rise and report, after having had under consideration section eight of the unicameral portion of Style and Drafting's report, that it recommend the same be adopted as amended.

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: In this case again, on line fourteen, we added the words, member of the legislature, for parallelism.

CHAIRMAN GRAYBILL: Is there any discussion of section eight?

(No response)

CHAIRMAN GRAYBILL: All in favor of Mr. Schiltz's

STATE PUBLISHING CO. HELENA, MONT.

motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does rise and report, after having had under consideration section ten of Style and Drafting's report, it recommend the same be adopted as amended.

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: In this case we added the words on line twenty-nine, by law, and again for parallelism.

CHAIRMAN GRAYBILL: Is there any discussion?

(No response)

CHAIRMAN GRAYBILL: All in favor of Mr. Schiltz's motion say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: Section ten is adopted.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does rise and report, after having had under consideration section fourteen of Style and Drafting's report, unicameral section of the Legislative article, that it recom-

STATE PUBLISHING CO. HELENA, MONT.

mend the same be adopted, as amended.

Mr. Chairman.

CHAIRMAN GRAYBILL: Section fourteen is on page four.

DELEGATE SCHILTZ: That's right. We made a capital letter out of the (t) on line twenty-nine and we changed -- we added the word, senator, over on page five, line one. Otherwise, no problems.

CHAIRMAN GRAYBILL: Is there any discussion of section fourteen, sub one?

(No response)

CHAIRMAN GRAYBILL: All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: So ordered.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does rise and report, after having had under consideration section fifteen, sub three, sub (b), of the Style and Drafting report on the unicameral Legislative article, that it recommend the same be adopted.

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Schiltz, you've lost me. What page?

DELEGATE SCHILTZ: On page six. We're talking about

STATE PUBLISHING CO. HELENA, MONT.

line ten.

CHAIRMAN GRAYBILL: Page six, line ten.

DELEGATE SCHILTZ: This, as you will remember on section fifteen, is more of the transition section in case we go back to bicameral and we found that we had changed the numbers in the major sections but had not changed them in the -- into this sections that are picked up in toto and put into the bicameral -- put in as bicameral sections. Otherwise, there's no problem there.

CHAIRMAN GRAYBILL: All right, is there any discussion on section fifteen, sub (b)?

DELEGATE SCHILTZ: That should be sub three, sub (b).

CHAIRMAN GRAYBILL: Sub three, sub (b).

(No response)

CHAIRMAN GRAYBILL: All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: That's adopted.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does arise and report, after having had under consideration section fifteen, sub three -- no, sub five, sub (e), on page seven of the Style and Drafting report on the Judicial article, it recommend the same be adopted as amended.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: All right, fifteen-five (e) on page seven. It's styled section thirteen after the (e) so you can find it there on line nine.

Mr. Schiltz.

DELEGATE SCHILTZ: In this case we incorporated the -- again this is still under section fifteen and we picked up the impeachment provisions pertaining to the bicameral section.

CHAIRMAN GRAYBILL: And this implements Mr. Harlow's amendment?

DELEGATE SCHILTZ: That's right.

CHAIRMAN GRAYBILL: Is there any discussion of this section?

(No response)

CHAIRMAN GRAYBILL: All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does rise and report after having had under consideration section fifteen, sub five, sub two, on page seven, line sixteen, that it recommend the same be adopted as amended.

CHAIRMAN GRAYBILL: All right, that's fifteen-five, sub (e), sub two.

DELEGATE SCHILTZ: Right. It would be sub two.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: On line seventeen. Go ahead.

DELEGATE SCHILTZ: Again, this is the picking up of the bicameral portion to insert into section fifteen and it is the Harlow amendment.

CHAIRMAN GRAYBILL: All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: So ordered.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does rise and report, after having had under consideration section nine of the bicameral portion after the divider page, which is page two, that it recommend the same be adopted as amended.

CHAIRMAN GRAYBILL: Section nine is on page two after the divider?

DELEGATE SCHILTZ: Right.

CHAIRMAN GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, again we are straining for parallelism and we inserted here a member of the legislature instead of no senator or representative.

CHAIRMAN GRAYBILL: And the term, legislature, in place of either house.

DELEGATE SCHILTZ:: And the same would be true in that same section on line twenty-nine, either house and the

STATS PUBLISHING CO. HELENA, MONT.

legislature. That's right.

CHAIRMAN GRAYBILL: Is there any discussion?

(No response)

CHAIRMAN GRAYBILL: All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does rise and report, after having under consideration section fourteen of the bicameral portion, which will be found on page five of the Style and Drafting report on the legislative article. I'm talking now about fourteen, sub three, on page five, that it recommend the same be adopted. I really hate even to talk about this because all we did was strike a comma on line thirty, but we are thorough.

CHAIRMAN GRAYBILL: Is there any discussion about the saving in time and space by striking that comma on line thirty?

(Laughter - No response)

CHAIRMAN GRAYBILL: All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: So ordered.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE SCHILTZ: That concludes the Style and Drafting report, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. Chairman, since we are here for the limited purpose of doing just what we have now completed doing, I move that the committee rise and finally report on Style and Drafting report on the legislature, which is Style and Drafting report number three.

CHAIRMAN GRAYBILL: The motion is to rise and finally report. All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: So ordered.

(Proceedings revert to Convention from Committee of the Whole, President Graybill presiding.)

PRESIDENT GRAYBILL: Will the Clerk read the Committee of the Whole report.

CLERK HANSON: Do you want it all read?

PRESIDENT GRAYBILL: No, read the title and the --

CLERK HANSON: (Reading) March 10, 1972. Mr. President, we your Committee of the Whole, having had under consideration report number three of the Committee on Style and Draft-

STATE PUBLISHING CO. HELENA, MONT.

ing, Legislative, unicameral and bicameral, recommend as follows: That the committee rise and finally report on Style and Drafting report number three. Signed, Leo Graybill, chairman. (End reading)

PRESIDENT GRAYBILL: Without objection, we will not read the whole report. Is there a motion, Mr. Murray, to adopt the report?

DELEGATE MURRAY: Mr. President, I move we adopt the Committee of the Whole report and refer Style and Drafting on the legislative, which is Style and Drafting report number three, to Order of Business Number Five.

PRESIDENT GRAYBILL: All in favor of the motion please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: So ordered.

DELEGATE MURRAY: Mr. President.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: I move the Convention revert to Order of Business Number Five.

PRESIDENT GRAYBILL: The motion is to revert to Order of Business Number Five. All in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: So ordered. Very well, on Order of Business Number Five, the Chair would like to make a little explanation for you. If you'll take the Order of Business Number Five reports of the Convention that we now have--number one on Suffrage and Elections; number two, Constitutional Revision; number three, Legislative; and number four, Executive, we will go through these this morning. The rules require that these be adopted section by section. We will not read subsections. They also require -- or, the intent is to do this without debate. Now, you should all know whether you have any objection and intend to vote against, either for the record or because fifty-one percent of you want to, any particular sections that have now been adopted and gotten to this stage. But, for the record, we must take a roll call vote on each section. That takes a little time. We will not read the section. We will read the title and take the roll call vote, and we will not read subsections. Now, the first one we'll do this morning is number one, Suffrage and Elections. Mr. Clerk, section one.

CLERK HANSON: (Reading) Section one, Ballot.

PRESIDENT GRAYBILL: So many as shall be in favor of section one vote Aye on the voting machine and so many as are opposed, vote No. Have all the Delegates voted?

(No response)

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: Any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot, Mr. Clerk. Mr. Schiltz, for what purpose do you rise?

DELEGATE SCHILTZ: Mr. Chairman, my voting machine is not registering up there, I guess.

PRESIDENT GRAYBILL: Well, you may not have voted quickly enough. I may have cut you off.

DELEGATE SCHILTZ: I vote Aye in any case.

PRESIDENT GRAYBILL: All right. We'll catch you next time around then.

Aasheim	-	Aye	Berthelson	-	Aye
Anderson, J.	-	Aye	Blaylock	-	Aye
Anderson, O.	-	Aye	Blend	-	Aye
Arbanas	-	Aye	Bowman	-	Aye
Arness	-	Aye	Brazier	-	Aye
Aronow	-	Aye	Brown	-	Absent
Artz	-	Aye	Bugbee	-	Aye
Ask	-	Aye	Burkhardt	-	Aye
Babcock	-	Aye	Cain	-	Aye
Barnard	-	Aye	Campbell	-	Aye
Bates	-	Aye	Cate	-	Aye
Belcher	-	Aye	Champoux	-	Aye
Berg	-	Aye	Choate	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Conover	-	Absent	Jacobsen	-	Aye
2	Cross	-	Aye	James	-	Absent
3	Dahood	-	Absent	Johnson	-	Aye
4	Davis	-	Aye	Joyce	-	Aye
5	Delaney	-	Aye	Kamhoot	-	Aye
6	Driscoll	-	Aye	Kelleher	-	Aye
7	Drum	-	Aye	Leuthold	-	Aye
8	Eck	-	Aye	Loendorf	-	Aye
9	Ercmann	-	Aye	Lorello	-	Aye
10	Eskildsen	-	Aye	Mahoney	-	Aye
11	Etchart	-	Aye	Mansfield	-	Aye
12	Felt	-	Absent	Martin	-	Aye
13	Foster	-	Aye	McCarvel	-	Aye
14	Furlong	-	Excused	McDonough	-	Aye
15	Garlington	-	Aye	McKeon	-	Aye
16	Gysler	-	Aye	McNeil	-	Aye
17	Habedank	-	Aye	Melvin	-	Aye
18	Hanson, R. S.	-	Aye	Monroe	-	Aye
19	Hanson, R.	-	Aye	Murray	-	Aye
20	Harbaugh	-	Aye	Noble	-	Aye
21	Harlow	-	Aye	Nutting	-	Absent
22	Harper	-	Aye	Payne	-	Absent
23	Harrington	-	Aye	Pemberton	-	Aye
24	Heliker	-	Aye	Rebal	-	Aye
25	Holland	-	Absent	Reichert	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Robinson	-	Absent	Studer	-	Aye
Roeder	-	Aye	Sullivan	-	Aye
Rollins	-	Aye	Swanberg	-	Aye
Romney	-	Aye	Toole	-	Absent
Rugg	-	Aye	Van Buskirk	-	Aye
Scanlin	-	Aye	Vermillion	-	Aye
Schiltz	-	Aye	Wagner	-	Aye
Siderius	-	Aye	Ward	-	Aye
Simon	-	Aye	Warden	-	Aye
Skari	-	Aye	Wilson	-	Aye
Sparks	-	Aye	Woodmansey	-	Aye
Speer	-	Aye	Mr. President	-	Aye

PRESIDENT GRAYBILL: I don't think you need to -- well, announce the vote in numbers.

CLERK HANSON: Mr. Chairman, eighty-nine Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Very well, section two.

CLERK HANSON: (Reading) Section two, Qualified Electors. (End reading)

PRESIDENT GRAYBILL: So many as are in favor of section two, vote Aye on the voting machines and opposed vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

STATE PUBLISHING CO. HELENA, MONT.

(No response)

PRESIDENT GRAYBILL: Any Delegate who sees his voting machine is not working?

(No response)

PRESIDENT GRAYBILL: Very well, close the ballot. Take the vote, please.

DELEGATE FELT: Felt votes Aye.

PRESIDENT GRAYBILL: Felt votes Aye.

Aasheim	- Aye	Brazier	- Aye
Anderson, J.	- Aye	Frown	- Aye
Anderson, O.	- Aye	Bugbee	- Aye
Arbanas	- Aye	Burkhardt	- Aye
Arness	- Aye	Cain	- Aye
Aronow	- Aye	Campbell	- Aye
Artz	- Aye	Cate	- Aye
Ask	- Aye	Champoux	- Aye
Babcock	- Aye	Choate	- Aye
Barnard	- Aye	Conover	- Aye
Bates	- Aye	Cross	- Aye
Belcher	- Aye	Dahood	- Absent
Berg	- Aye	Davis	- Aye
Berthelson	- Aye	Delaney	- Aye
Blaylock	- Aye	Driscoll	- Aye
Blend	- Aye	Drum	- Aye
Bowman	- Aye	Eck	- Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Erdmann	-	Aye	Lorello	-	Aye
2	Eskildsen	-	Nay	Mahoney	-	Aye
3	Etchart	-	Aye	Mansfield	-	Aye
4	Felt	-	Aye	Martin	-	Aye
5	Foster	-	Aye	McCarvel	-	Aye
6	Furlong	-	Excused	McDonough	-	Aye
7	Garlington	-	Aye	McKeon	-	Aye
8	Gysler	-	Nay	McNeil	-	Aye
9	Habedank	-	Aye	Melvin	-	Aye
10	Hanson, R. S.	-	Aye	Monroe	-	Aye
11	Hanson, R.	-	Aye	Murray	-	Aye
12	Harbaugh	-	Aye	Noble	-	Aye
13	Harlow	-	Aye	Nutting	-	Aye
14	Harper	-	Aye	Payne	-	Aye
15	Harrington	-	Aye	Pemberton	-	Aye
16	Heliker	-	Absent	Rebal	-	Aye
17	Holland	-	Absent	Reichert	-	Aye
18	Jacobsen	-	Aye	Robinson	-	Aye
19	James	-	Aye	Roeder	-	Aye
20	Johnson	-	Nay	Rollins	-	Aye
21	Joyce	-	Aye	Romney	-	Nay
22	Kamhoot	-	Aye	Rygg	-	Nay
23	Kelleher	-	Aye	Scanlin	-	Aye
24	Leuthold	-	Aye	Schiltz	-	Aye
25	Loendorf	-	Aye	Siderius	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Simon	-	Aye	Van Buskirk	-	Aye
Skari	-	Aye	Vermillion	-	Aye
Sparks	-	Aye	Wagner	-	Aye
Speer	-	Aye	Ward	-	Nay
Studer	-	Aye	Warden	-	Aye
Sullivan	-	Aye	Wilson	-	Nay
Swanberg	-	Aye	Woodmansey	-	Aye
Toole	-	Absent	Mr. President	-	Aye

CLERK HANSON: Mr. Chairman, eighty-eight Delegates voting Aye, seven voting No.

PRESIDENT GRAYBILL: Very well, section three.

CLERK HANSON: (Reading) Section three, Elections. (End reading)

PRESIDENT GRAYBILL: As many Delegates as shall be in favor of section three, vote Aye on the voting machine; opposed, No. Has every Delegate voted?

DELEGATES (UNIDENTIFIED): No.

(Pause while Delegates vote.)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: The Clerk will cast the ballot.

Aasheim	-	Aye	Arbanas	-	Aye
Anderson, J.	-	Aye	Arness	-	Aye
Anderson, O.	-	Aye	Aronow	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Artz	-	Aye	Drum	-	Aye
2	Ask	-	Aye	Driscoll	-	Aye
3	Babcock	-	Nay	Eck	-	Absent
4	Barnard	-	Aye	Erdmann	-	Aye
5	Bates	-	Nay	Eskildsen	-	Aye
6	Belcher	-	Aye	Etchart	-	Aye
7	Berg	-	Aye	Felt	-	Aye
8	Berthelson	-	Aye	Foster	-	Aye
9	Blaylock	-	Aye	Furlong	-	Excused
10	Blend	-	Aye	Garlington	-	Aye
11	Bowman	-	Nay	Gysler	-	Aye
12	Brazier	-	Aye	Habedank	-	Aye
13	Brown	-	Aye	Hanson, R. S.	-	Aye
14	Bugbee	-	Aye	Hanson, R.	-	Aye
15	Burkhardt	-	Aye	Harbaugh	-	Aye
16	Cain	-	Aye	Harlow	-	Aye
17	Campbell	-	Aye	Harper	-	Aye
18	Cate	-	Aye	Harrington	-	Aye
19	Champoux	-	Aye	Heliker	-	Aye
20	Choate	-	Aye	Holland	-	Absent
21	Conover	-	Aye	Jacobsen	-	Aye
22	Cross	-	Aye	James	-	Aye
23	Dahood	-	Absent	Johnson	-	Aye
24	Davis	-	Aye	Joyce	-	Aye
25	Delaney	-	Aye	Kamhoot	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Kelleher	-	Aye	Rollins	-	Aye
Leuthold	-	Aye	Romney	-	Nay
Loendorf	-	Aye	Rygg	-	Nay
Lorello	-	Aye	Scanlin	-	Aye
Mahoney	-	Nay	Schiltz	-	Aye
Mansfield	-	Aye	Siderius	-	Aye
Martin	-	Aye	Simon	-	Nay
McCarvel	-	Aye	Skari	-	Aye
McDonough	-	Aye	Sparks	-	Aye
McKeon	-	Absent	Speer	-	Aye
McNeil	-	Aye	Studer	-	Nay
Melvin	-	Aye	Sullivan	-	Aye
Monroe	-	Aye	Swanberg	-	Aye
Murray	-	Aye	Toole	-	Absent
Noble	-	Aye	Van Buskirk	-	Aye
Nutting	-	Nay	Vermillion	-	Aye
Payne	-	Aye	Wagner	-	Nay
Pemberton	-	Aye	Ward	-	Nay
Rebal	-	Aye	Warden	-	Aye
Reichert	-	Aye	Wilson	-	Nay
Robinson	-	Aye	Woodmansey	-	Aye
Roeder	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. Chairman, eighty-two Delegates voting Aye, twelve voting No.

PRESIDENT GRAYBILL: Very well, section four.

STATE PUBLISHING CO. HELENA, MONT.

CLERK HANSON: (Reading) Section four, Eligibility for Public Office. (End reading)

PRESIDENT GRAYBILL: Every Delegate in favor of -- please vote Aye in favor of section four and No on the voting machines if you are not in favor of section four. Every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Please cast the ballot.

DELEGATE ROBINSON: Robinson votes Aye.

PRESIDENT GRAYBILL: Robinson votes Aye.

DELEGATE ROMNEY: Mr. Chairman, Romney votes No.

PRESIDENT GRAYBILL: Are these changes or are these non-recorded votes?

DELEGATE ROMNEY: Non-recorded.

DELEGATE ROBINSON: Non-recorded.

PRESIDENT GRAYBILL: All right, Mr. Romney votes No, Mrs. Robinson votes Aye. Was there another one?

DELEGATE RYGG: Rygg votes No.

PRESIDENT GRAYBILL: Rygg votes No.

Aasheim	-	Aye	Arbanas	-	Aye
Anderson, J.	-	Aye	Arness	-	Aye
Anderson, O.	-	Aye	Aronow	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Artz	-	Aye	Driscoll	-	Aye
2	Ask	-	Aye	Drum	-	Aye
3	Babcock	-	Aye	Eck	-	Aye
4	Barnard	-	Aye	Erdmann	-	Aye
5	Bates	-	Aye	Eskildsen	-	Aye
6	Belcher	-	Aye	Etchart	-	Aye
7	Berg	-	Aye	Felt	-	Aye
8	Berthelson	-	Aye	Foster	-	Aye
9	Blaylock	-	Absent	Furlong	-	Excused
10	Blend	-	Aye	Garlington	-	Aye
11	Bowman	-	Aye	Gysler	-	Aye
12	Brazier	-	Aye	Habedank	-	Aye
13	Brown	-	Aye	Hanson, R. S.	-	Aye
14	Bugbee	-	Aye	Hanson, R.	-	Aye
15	Burkhardt	-	Aye	Harbaugh	-	Aye
16	Cain	-	Aye	Harlow	-	Aye
17	Campbell	-	Aye	Harper	-	Aye
18	Cate	-	Aye	Harrington	-	Aye
19	Champoux	-	Aye	Heliker	-	Aye
20	Choate	-	Aye	Holland	-	Absent
21	Conover	-	Aye	Jacobsen	-	Aye
22	Cross	-	Aye	James	-	Aye
23	Dahood	-	Absent	Johnson	-	Aye
24	Davis	-	Aye	Joyce	-	Aye
25	Delaney	-	Aye	Kamhoot	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Kelleher	-	Aye	Rollins	-	Nay
Leuthold	-	Aye	Romney	-	Nay
Loendorf	-	Aye	Rugg	-	Nay
Lorello	-	Nay	Scanlin	-	Aye
Mahoney	-	Aye	Scniltz	-	Aye
Mansfield	-	Aye	Siderius	-	Aye
Martin	-	Aye	Simon	-	Aye
McCarvel	-	Aye	Skari	-	Aye
McDonough	-	Absent	Sparks	-	Aye
McKeon	-	Nay	Speer	-	Aye
McNeil	-	Aye	Studer	-	Aye
Melvin	-	Aye	Sullivan	-	Aye
Monroe	-	Aye	Swanberg	-	Aye
Murray	-	Aye	Toole	-	Absent
Noble	-	Aye	Van Buskirk	-	Absent
Nutting	-	Aye	Vermillion	-	Aye
Payne	-	Aye	Wagner	-	Aye
Pemberton	-	Aye	Ward	-	Aye
Rebal	-	Aye	Warden	-	Aye
Reichert	-	Aye	Wilson	-	Aye
Robinson	-	Aye	Woodmansey	-	Aye
Roeder	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. Chairman, eighty-eight Delegates voting Aye, five voting No.

PRESIDENT GRAYBILL: Very well, section five.

STATE PUBLISHING CO. HELENA, MONT.

CLERK HANSON: (Reading) Section five, Result of Elections. (End reading) Mr. President.

PRESIDENT GRAYBILL: Section five. So many as shall be in favor of section five, vote Aye on the voting machines; so many as opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Please cast the ballot.

(Mrs. Speer waved flag from back row to attract Chair's attention.)

(Laughter)

PRESIDENT GRAYBILL: Stick with me, Mrs. Speer. Do you have some point?

DELEGATE SPEER: I vote Yes.

PRESIDENT GRAYBILL: Mrs. Speer votes Yes on number five.

Aasheim	-	Aye	Ask	-	Aye
Anderson, J.	-	Aye	Babcock	-	Aye
Anderson, O.	-	Aye	Barnard	-	Aye
Arbanas	-	Aye	Bates	-	Aye
Arness	-	Aye	Belcher	-	Aye
Aronow	-	Aye	Berg	-	Aye
Artz	-	Aye	Berthelson	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Blaylock	-	Aye	Furlong	-	Excused
2	Blend	-	Aye	Garlington	-	Aye
3	Bowman	-	Aye	Gysler	-	Aye
4	Brazier	-	Aye	Habedank	-	Aye
5	Brown	-	Aye	Hanson, R. S.	-	Aye
6	Bugbee	-	Aye	Hanson, R.	-	Aye
7	Burkhardt	-	Aye	Harbaugh	-	Aye
8	Cain	-	Aye	Harlow	-	Aye
9	Campbell	-	Aye	Harper	-	Aye
10	Cate	-	Aye	Harrington	-	Aye
11	Champoux	-	Aye	Heliker	-	Aye
12	Choate	-	Aye	Holland	-	Absent
13	Conover	-	Aye	Jacobsen	-	Aye
14	Cross	-	Aye	James	-	Aye
15	Dahood	-	Absent	Johnson	-	Aye
16	Davis	-	Aye	Joyce	-	Aye
17	Delaney	-	Aye	Kamhoot	-	Aye
18	Driscoll	-	Aye	Kelleher	-	Aye
19	Drum	-	Aye	Leuthold	-	Aye
20	Eck	-	Aye	Loendorf	-	Aye
21	Erdmann	-	Aye	Lorello	-	Aye
22	Eskildsen	-	Aye	Mahoney	-	Aye
23	Etchart	-	Aye	Mansfield	-	Aye
24	Felt	-	Aye	Martin	-	Aye
25	Foster	-	Aye	McCarvel	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

McDonough	-	Aye	Siderius	-	Aye
McKeon	-	Aye	Simon	-	Aye
McNeil	-	Aye	Skari	-	Aye
Melvin	-	Aye	Sparks	-	Aye
Monroe	-	Aye	Speer	-	Aye
Murray	-	Aye	Studer	-	Aye
Noble	-	Aye	Sullivan	-	Aye
Nutting	-	Aye	Swanberg	-	Aye
Payne	-	Aye	Toole	-	Absent
Pemberton	-	Aye	Van Buskirk	-	Aye
Rebal	-	Aye	Vermillion	-	Aye
Reichert	-	Aye	Wagner	-	Aye
Robinson	-	Aye	Ward	-	Aye
Roeder	-	Aye	Warden	-	Aye
Rollins	-	Aye	Wilson	-	Aye
Romney	-	Aye	Woodmansey	-	Aye
Rygg	-	Aye	Mr. President	-	Aye
Scanlin	-	Aye			
Schiltz	-	Aye			

CLERK HANSON: Mr. Chairman, ninety-six voting Aye, none voting No.

PRESIDENT GRAYBILL: Section six.

CLERK HANSON: (Reading) Section six, Privilege from Arrest. (End reading) Mr. President.

PRESIDENT GRAYBILL: So many Delegates as support

STATE PUBLISHING CO. HELENA, MONT.

section six vote Aye and opposed vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	-	Aye	Brown	-	Nay
Anderson, J.	-	Aye	Bugbee	-	Aye
Anderson, O.	-	Aye	Burkhardt	-	Aye
Arbanas	-	Aye	Cain	-	Aye
Arness	-	Aye	Campbell	-	Aye
Aronow	-	Aye	Cate	-	Aye
Artz	-	Aye	Champoux	-	Aye
Ask	-	Aye	Choate	-	Aye
Babcock	-	Aye	Conover	-	Aye
Barnard	-	Aye	Cross	-	Aye
Bates	-	Aye	Dahood	-	Absent
Belcher	-	Aye	Davis	-	Aye
Berg	-	Aye	Delaney	-	Aye
Berthelson	-	Aye	Driscoll	-	Aye
Blaylock	-	Aye	Drum	-	Aye
Blend	-	Nay	Eck	-	Aye
Bowman	-	Aye	Erdmann	-	Aye
Brazier	-	Aye	Eskildsen	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Etchart	-	Aye	Mansfield	-	Aye
2	Felt	-	Absent	Martin	-	Aye
3	Foster	-	Aye	McCarvel	-	Aye
4	Furlong	-	Excused	McDonough	-	Aye
5	Garlington	-	Aye	McKeon	-	Aye
6	Gysler	-	Aye	McNeil	-	Aye
7	Habedank	-	Aye	Melvin	-	Aye
8	Hanson, R. S.	-	Aye	Monroe	-	Absent
9	Hanson, R.	-	Aye	Murray	-	Aye
10	Harbaugh	-	Aye	Noble	-	Aye
11	Harlow	-	Aye	Nutting	-	Aye
12	Harper	-	Aye	Payne	-	Aye
13	Harrington	-	Absent	Pemberton	-	Aye
14	Heliker	-	Aye	Rebal	-	Aye
15	Holland	-	Absent	Reichert	-	Aye
16	Jacobsen	-	Aye	Robinson	-	Aye
17	James	-	Aye	Roeder	-	Aye
18	Johnson	-	Aye	Rollins	-	Aye
19	Joyce	-	Aye	Romney	-	Aye
20	Kamhoot	-	Aye	Rygg	-	Aye
21	Kelleher	-	Aye	Scanlin	-	Aye
22	Leuthold	-	Aye	Schiltz	-	Aye
23	Loendorf	-	Aye	Siderius	-	Aye
24	Lorello	-	Aye	Simon	-	Aye
25	Mahoney	-	Aye	Skari	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Sparks	-	Aye	Vermillion	-	Aye
Speer	-	Aye	Wagner	-	Aye
Studer	-	Aye	Ward	-	Aye
Sullivan	-	Aye	Warden	-	Aye
Swanberg	-	Aye	Wilson	-	Aye
Toole	-	Absent	Woodmansey	-	Aye
Van Buskirk	-	Aye	Mr. President	-	Aye

PRESIDENT GRAYBILL: Would the floor manager mind looking at his telephone? Mr. Blaylock, for what purpose do you rise?

DELEGATE BLAYLOCK: To announce my presence.

PRESIDENT GRAYBILL: Very well, show Mr. Blaylock's presence in the journal.

(Paused while voting machine being repaired.)

PRESIDENT GRAYBILL: The committee will be in order. The committee will be in order. Have you announced the vote for section six?

CLERK HANSON: Mr. President, ninety-one Delegates voting Aye, two voting No.

PRESIDENT GRAYBILL: Now, Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. President, I rise for a suggestion on this. If we have to have roll call votes, since there are only two or three people voting No on each one of

STATE PUBLISHING CO. HELENA, MONT.

these, why don't we go through these section by section and have those people who are opposed stand and we take their names and the rest of us are counted as voting Aye, and it will speed it up and maybe save the machine.

PRESIDENT GRAYBILL: Well, now, Mr. Blaylock, I appreciate your suggestion but the machine is fixed. It's the same old thing with typewriters. The ribbon ran off the end. It didn't reverse. That happens to everyone's typewriter sooner or later. I think it will be all right. I think we may be presumptuous in assuming we aren't going to get a number of negative votes and everyone does have a right and, in fact, the rules require and in fact I think we have to get everyone on record and this, unfortunately, is the crucial vote on which we have to do that. If the machine, in fact, is broken and won't take a lot more, why, we'll pass this Order and get the man over and fix it but I think we do have to get everyone on the record and everyone has the right to register his protest and I think we'll be able to do it. I realize that it's time-consuming but that's unfortunately the nature of our business. Thank you. Ladies and gentlemen, you have passed each article of Suffrage and Elections article and the Chair will now re-refer Suffrage and Elections, as passed, back to Style and Drafting for inclusion in the final product. We will proceed to the Constitutional Revision article, number two. Constitutional Revision number Roman two. Section one.

STATE PUBLISHING CO. HELENA, MONT.

CLERK HANSON: (Reading) Section one, Constitutional Convention. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section one of the constitutional revision article, please vote Aye on the voting machine, and so many as shall be opposed, please vote No.

Mr. Habedank.

DELEGATE HABEDANK: The copy I have, unless there's been another one put out, does not show the words, and unlimited, written in. Is this -- have these been written into the ones we are voting on?

PRESIDENT GRAYBILL: Where is the word, unlimited? I understand you're looking at the wrong copy. Let me see your copy, Mr. Clerk.

DELEGATE HABEDANK: Thank you very much, Mr. President.

PRESIDENT GRAYBILL: This should be headed Order of Business Number Five, Final Consideration, Style and Drafting, Constitutional Revision, Number Two -- Roman two. Is everybody with us now? And this is section one, Constitutional Convention. All in favor vote Aye. All opposed vote No. Does any Delegate -- have all the Delegates voted? Let's put it this way, all the Delegates have not voted. Does any Delegate wish to change his vote?

STATE PUBLISHING CO. HELENA, MONT.

(No response)

PRESIDENT GRAYBILL: Very well, cast the ballot.

Aasheim	- Aye	Cate	- Aye
Anderson, J.	- Aye	Champoux	- Aye
Anderson, O.	- Aye	Choate	- Aye
Arbanas	- Aye	Conover	- Aye
Arness	- Aye	Cross	- Aye
Aronow	- Aye	Dahood	- Absent
Artz	- Aye	Davis	- Aye
Ask	- Aye	Delaney	- Aye
Babcock	- Aye	Driscoll	- Aye
Barnard	- Aye	Drum	- Aye
Bates	- Aye	Eck	- Aye
Belcher	- Aye	Erdmann	- Aye
Berg	- Aye	Eskildsen	- Aye
Berthelson	- Aye	Etchart	- Aye
Blaylock	- Aye	Felt	- Absent
Blend	- Aye	Foster	- Aye
Bowman	- Aye	Furlong	- Excused
Brazier	- Aye	Garlington	- Aye
Brown	- Aye	Gysler	- Aye
Bugbee	- Aye	Habedank	- Aye
Burkhardt	- Aye	Hanson, R. S.	- Aye
Cain	- Aye	Hanson, R.	- Aye
Campbell	- Aye	Harbaugh	- Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Harlow	-	Aye	Nutting	-	Aye
2	Harper	-	Aye	Payne	-	Aye
3	Harrington	-	Absent	Pemberton	-	Aye
4	Heliker	-	Aye	Rebal	-	Aye
5	Holland	-	Absent	Reichert	-	Aye
6	Jacobsen	-	Aye	Robinson	-	Aye
7	James	-	Aye	Roeder	-	Aye
8	Johnson	-	Aye	Rollins	-	Aye
9	Joyce	-	Aye	Romney	-	Aye
10	Kamhoot	-	Aye	Rygg	-	Aye
11	Kelleher	-	Aye	Scanlin	-	Aye
12	Leuthold	-	Aye	Schiltz	-	Aye
13	Loendorf	-	Aye	Siderius	-	Aye
14	Lorello	-	Aye	Simon	-	Aye
15	Mahoney	-	Aye	Skari	-	Aye
16	Mansfield	-	Aye	Sparks	-	Aye
17	Martin	-	Aye	Speer	-	Aye
18	McCarvel	-	Aye	Studer	-	Aye
19	McDonough	-	Aye	Sullivan	-	Aye
20	McKeon	-	Aye	Swanberg	-	Aye
21	McNeil	-	Aye	Toole	-	Aye
22	Melvin	-	Aye	Van Buskirk	-	Aye
23	Monroe	-	Absent	Vermillion	-	Aye
24	Murray	-	Aye	Wagner	-	Aye
25	Noble	-	Aye	Ward	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Warden - Aye Woodmansey - Aye
Wilson - Aye Mr. President - Aye

CLERK HANSON: Mr. President, ninety-four Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: The Chair has just checked with the Rules Committee and it is true that you do not have to vote on these things, but you are shown as absent on the vote if you do not vote on these things. So, either vote or expect to be shown absent in the journal forever. Very well, section two.

CLERK HANSON: (Reading) Section two, Initiative for Constitutional Convention. (End reading)

Mr. President.

PRESIDENT GRAYBILL: As many as shall be in favor of section two, vote Aye on the voting machines and opposed, vote No.

DELEGATE BATES: Mr. Chairman.

PRESIDENT GRAYBILL: Mrs. Bates.

DELEGATE BATES: I notice in both of these sections that we -- when we looked out at this article from -- after Style and Drafting had it, we reinserted the word, unlimited, in both of these sections, one and two, and I don't see it.

PRESIDENT GRAYBILL: You're in your wrong book. Mine has the word, unlimited, on line twelve of section two. You're in a draft -- you're in a previous draft. It's a draft with no cover on it; Order of Business Number Five, it says at

STATE PUBLISHING CO. HELENA, MONT.

the top.

UNIDENTIFIED DELEGATES: We don't have it.

PRESIDENT GRAYBILL: The Chair would appreciate a show of hands of those who do not have the proper one.

(Show of hands)

PRESIDENT GRAYBILL: All right, something's wrong. Did you all have the proper one for Number One?

DELEGATES: (Variously signifying Yes.)

PRESIDENT GRAYBILL: May I ask if you all have the proper Order of Business Number Five, Unicameral, that we worked from this morning on Legislative?

DELEGATES: Yes.

PRESIDENT GRAYBILL: All right, and do you all have it for Executive?

DELEGATES: Yes.

PRESIDENT GRAYBILL: All right, hearing no objection, the Chair will set aside Constitutional Revision, the General Government one, and we'll start on Legislative, and in the meantime we'll see the Sergeant-at-Arms and see that everybody gets a proper Order of Business Number Five on Roman one and two. Let's move to the Legislative article, the one we just worked on this morning. Is everybody ready?

Mrs. Babcock.

DELEGATE BABCOCK: Can we vote on the bicameral and unicameral?

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: In the Legislative we vote on everything that's in this pamphlet, yes. You vote on both the bicameral and the unicameral. You may -- what you're voting is, on the bicameral and unicameral, you're voting it's the sense of the body this go on the ballot and this is the way you want the bicameral and this is the way you want the unicameral on the ballot. You don't have to be for one more than the other. This is the way you want these particular things to be if that one happens to be adopted by the public. Very well, we'll begin on Legislative -- we'll begin on Legislative article, section one.

Mr. Clerk.

CLERK HANSON: (Reading) Section one, Power and Structure. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section one of the unicameral article, Power and Structure, vote Aye on the voting machines; so many as are opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, take the ballot.

Mrs. Reichert.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE REICHERT: Mr. President, after all my work on a unicameral, I certainly want my vote to register Aye and it's not working.

PRESIDENT GRAYBILL: It isn't working now because it's closed, but if you vote before --

DELEGATE REICHERT: I did. I voted.

PRESIDENT GRAYBILL: All right, now, don't panic.

(Laughter)

PRESIDENT GRAYBILL: We'll just -- if you're -- you know, watch your button when you push it and if the switch doesn't work, push it two or three times and if it still doesn't work, stand up and I'll recognize you and we'll get you on, and in this case, Mrs. Reichert, we'll make a special rule and Mrs. Reichert votes Aye on section one.

Aasheim	-	Aye	Belcher	-	Aye
Anderson, J.	-	Aye	Berg	-	Aye
Anderson, O.	-	Aye	Berthelson	-	Absent
Arbanas	-	Aye	Blaylock	-	Aye
Arness	-	Aye	Blend	-	Aye
Aronow	-	Aye	Bowman	-	Aye
Artz	-	Aye	Brazier	-	Aye
Ask	-	Aye	Brown	-	Aye
Babcock	-	Aye	Bugbee	-	Aye
Barnard	-	Aye	Burkhardt	-	Aye
Bates	-	Aye	Cain	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Campbell	-	Aye	Harper	-	Aye
2	Cate	-	Aye	Harrington	-	Aye
3	Champoux	-	Aye	Heliker	-	Aye
4	Choate	-	Aye	Holland	-	Absent
5	Conover	-	Absent	Jacobsen	-	Aye
6	Cross	-	Aye	James	-	Aye
7	Dahood	-	Absent	Johnson	-	Aye
8	Davis	-	Absent	Joyce	-	Aye
9	Delaney	-	Aye	Kamhoot	-	Nay
10	Driscoll	-	Nay	Kelleher	-	Aye
11	Drum	-	Aye	Leuthold	-	Aye
12	Eck	-	Aye	Loendorf	-	Aye
13	Erdmann	-	Aye	Lorello	-	Aye
14	Eskildsen	-	Nay	Mahoney	-	Aye
15	Etchart	-	Nay	Mansfield	-	Aye
16	Felt	-	Aye	Martin	-	Aye
17	Foster	-	Aye	McCarvel	-	Aye
18	Furlong	-	Excused	McDonough	-	Aye
19	Garlington	-	Aye	McKeon	-	Aye
20	Gysler	-	Aye	McNeil	-	Nay
21	Habedank	-	Aye	Melvin	-	Aye
22	Hanson, R. S.	-	Absent	Monroe	-	Aye
23	Hanson, R.	-	Aye	Murray	-	Aye
24	Harbaugh	-	Aye	Noble	-	Aye
25	Harlow	-	Aye	Nutting	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Payne	-	Aye	Sparks	-	Aye
Pemberton	-	Aye	Speer	-	Aye
Rebal	-	Aye	Studer	-	Aye
Reichert	-	Aye	Sullivan	-	Aye
Robinson	-	Aye	Swanberg	-	Aye
Roeder	-	Aye	Toole	-	Absent
Rollins	-	Aye	Van Buskirk	-	Aye
Romney	-	Aye	Vermillion	-	Aye
Rygg	-	Aye	Wagner	-	Nay
Scanlin	-	Aye	Ward	-	Nay
Schiltz	-	Aye	Warden	-	Aye
Siderius	-	Aye	Wilson	-	Nay
Simon	-	Nay	Woodmansey	-	Aye
Skari	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-three Delegates voting Aye, nine voting No.

PRESIDENT GRAYBILL: Very well, section two.

CLERK HANSON: (Reading) Section two, Size. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many Delegates as shall be in favor of section two, vote Aye on the voting machines; so many as are opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to

STATE PUBLISHING CO. HELENA, MONT.

change his vote?

Mr. Choate.

DELEGATE CHOATE: Mr. Chairman, I'm wondering about the size as it's listed here. It says a minimum of ninety and a maximum of one hundred five. I thought that was to be one hundred. Is that correct?

PRESIDENT GRAYBILL: That's correct.

DELEGATE CHOATE: O.K.

PRESIDENT GRAYBILL: Very well, we'll close the ballot. Please cast the vote.

Aasheim	-	Aye	Blend	-	Aye
Anderson, J.	-	Aye	Bowman	-	Nay
Anderson, O.	-	Aye	Brazier	-	Aye
Arbanas	-	Aye	Brown	-	Aye
Arness	-	Aye	Bugbee	-	Aye
Aronow	-	Nay	Burkhardt	-	Aye
Artz	-	Aye	Cain	-	Aye
Ask	-	Absent	Campbell	-	Aye
Babcock	-	Aye	Cate	-	Aye
Barnard	-	Aye	Champoux	-	Aye
Bates	-	Nay	Choate	-	Aye
Belcher	-	Aye	Conover	-	Aye
Berg	-	Aye	Cross	-	Aye
Berthelson	-	Aye	Dahood	-	Absent
Blaylock	-	Aye	Davis	-	Absent

STATE PUBLISHING CO. HELENA, MONT.

1	Delaney	-	Aye	Kamhoot	-	Aye
2	Driscoll	-	Nay	Kelleher	-	Aye
3	Drum	-	Aye	Leuthold	-	Aye
4	Eck	-	Aye	Loendorf	-	Aye
5	Erdmann	-	Aye	Lorello	-	Aye
6	Eskildsen	-	Nay	Mahoney	-	Nay
7	Etchart	-	Nay	Mansfield	-	Aye
8	Felt	-	Aye	Martin	-	Aye
9	Foster	-	Aye	McCarvel	-	Aye
10	Furlong	-	Excused	McDonough	-	Aye
11	Garlington	-	Aye	McKeon	-	Aye
12	Gysler	-	Aye	McNeil	-	Aye
13	Habedank	-	Aye	Melvin	-	Aye
14	Hanson, R. S.	-	Aye	Monroe	-	Nay
15	Hanson, R.	-	Aye	Murray	-	Aye
16	Harbaugh	-	Aye	Noble	-	Aye
17	Harlow	-	Aye	Nutting	-	Aye
18	Harper	-	Aye	Payne	-	Aye
19	Harrington	-	Aye	Pemberton	-	Aye
20	Heliker	-	Aye	Rebal	-	Aye
21	Holland	-	Absent	Reichert	-	Aye
22	Jacobsen	-	Aye	Robinson	-	Aye
23	James	-	Aye	Roeder	-	Aye
24	Johnson	-	Aye	Rollins	-	Aye
25	Joyce	-	Aye	Romney	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Rygg	-	Aye	Swanberg	-	Aye
Scanlin	-	Aye	Toole	-	Absent
Schiltz	-	Aye	Van Buskirk	-	Aye
Siderius	-	Aye	Vermillion	-	Aye
Simon	-	Nay	Wagner	-	Nay
Skari	-	Aye	Ward	-	Nay
Sparks	-	Aye	Warden	-	Aye
Speer	-	Aye	Wilson	-	Nay
Studer	-	Aye	Woodmansey	-	Aye
Sullivan	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-two Delegates voting Aye, twelve voting No.

PRESIDENT GRAYBILL: Very well. Ladies and gentlemen, we'll have the Pages pass out section one. Now, we do not have a hundred, so those of you who happen to have section one, please don't accept one from the Pages. That's -- we've already finished that, but we'll pass it out for you in case you didn't have one. Now, the Sergeant tells me these were put out. Apparently they were put out some time when they were swept into the baskets along with all of the other things you didn't want, so some of you should have them and you might look around because we do not have enough section twos. Now, we'll go print some more.

Mr. Hanson.

DELEGATE ROD HANSON: I have two if you're short.

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: Well, just share with your neighbor there.

DELEGATE ROD HANSON: They've all got two.

PRESIDENT GRAYBILL: All right, now, the first thing we're going to do is put out number one and if you don't have it, just take one but if you do have it, please let the Page not give it to you.

Mr. Scanlin.

DELEGATE SCANLIN: Mr. President, I just rise to say I don't blame anybody for getting rid of that number two.

PRESIDENT GRAYBILL: Section three.

CLERK HANSON: (Reading) Section three, Election and Terms. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section three, Election and Terms, of the unicameral article of the Legislative article, please vote Aye on the voting machines and so many as are opposed vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Please cast the ballot, Mr. Clerk.

STATE PUBLISHING CO. HELENA, MONT.

1	Aasheim	-	Aye	Choate	-	Aye
2	Anderson, J.	-	Aye	Conover	-	Aye
3	Anderson, O.	-	Aye	Cross	-	Aye
4	Arbanas	-	Aye	Dahood	-	Absent
5	Arness	-	Aye	Davis	-	Absent
6	Aronow	-	Aye	Delaney	-	Aye
7	Artz	-	Aye	Driscoll	-	Nay
8	Ask	-	Absent	Drum	-	Absent
9	Babcock	-	Aye	Eck	-	Aye
10	Barnard	-	Nay	Erdmann	-	Aye
11	Bates	-	Nay	Eskildsen	-	Nay
12	Belcher	-	Aye	Etchart	-	Nay
13	Berg	-	Aye	Felt	-	Aye
14	Berthelson	-	Aye	Foster	-	Aye
15	Blaylock	-	Aye	Furlong	-	Excused
16	Blend	-	Aye	Garlington	-	Aye
17	Bowman	-	Aye	Gysler	-	Aye
18	Brazier	-	Aye	Habedank	-	Aye
19	Brown	-	Aye	Hanson, R. S.	-	Aye
20	Bugbee	-	Aye	Hanson, R.	-	Aye
21	Burkhardt	-	Aye	Harbaugh	-	Aye
22	Cain	-	Aye	Harlow	-	Aye
23	Campbell	-	Aye	Harper	-	Nay
24	Cate	-	Aye	Harrington	-	Aye
25	Champoux	-	Aye	Heliker	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.

1	Holland	-	Absent	Reichert	-	Aye
2	Jacobsen	-	Aye	Robinson	-	Aye
3	James	-	Aye	Roeder	-	Aye
4	Johnson	-	Aye	Rollins	-	Aye
5	Joyce	-	Absent	Romney	-	Nay
6	Kamhoot	-	Aye	Rygg	-	Absent
7	Kelleher	-	Aye	Scanlin	-	Aye
8	Leuthold	-	Aye	Schiltz	-	Aye
9	Loendorf	-	Aye	Siderius	-	Aye
10	Lorello	-	Aye	Simon	-	Aye
11	Mahoney	-	Nay	Skari	-	Aye
12	Mansfield	-	Absent	Sparks	-	Aye
13	Martin	-	Absent	Speer	-	Aye
14	McCarvel	-	Aye	Studer	-	Aye
15	McDonough	-	Aye	Sullivan	-	Aye
16	McKeon	-	Aye	Swanberg	-	Aye
17	McNeil	-	Aye	Toole	-	Aye
18	Melvin	-	Aye	Van Buskirk	-	Aye
19	Monroe	-	Aye	Vermillion	-	Nay
20	Murray	-	Aye	Wagner	-	Nay
21	Noble	-	Aye	Ward	-	Aye
22	Nutting	-	Aye	Warden	-	Aye
23	Payne	-	Aye	Wilson	-	Nay
24	Pemberton	-	Aye	Woodmansey	-	Aye
25	Rebal	-	Aye	Mr. President	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

CLERK HANSON: Mr. President, seventy-nine Delegates voting Aye, eleven voting No.

PRESIDENT GRAYBILL: Very well, section four.

CLERK HANSON: (Reading) Section four, Qualifications. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as wish to vote Aye on section four, vote on the voting machine, and those opposed vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: We'll close the ballot.

Aasheim	-	Aye	Belcher	-	Nay
Anderson, J.	-	Aye	Berg	-	Aye
Anderson, O.	-	Aye	Berthelson	-	Aye
Arbanas	-	Aye	Blaylock	-	Aye
Arness	-	Aye	Blend	-	Aye
Aronow	-	Aye	Bowman	-	Aye
Artz	-	Aye	Brazier	-	Nay
Ask	-	Absent	Brown	-	Aye
Babcock	-	Aye	Bugbee	-	Aye
Barnard	-	Nay	Burkhardt	-	Nay
Bates	-	Nay	Cain	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Campbell	-	Aye	Harper	-	Aye
2	Cate	-	Aye	Harrington	-	Aye
3	Champoux	-	Nay	Heliker	-	Aye
4	Choate	-	Aye	Holland	-	Absent
5	Conover	-	Aye	Jacobsen	-	Aye
6	Cross	-	Aye	James	-	Aye
7	Dahood	-	Absent	Johnson	-	Aye
8	Davis	-	Absent	Joyce	-	Aye
9	Delaney	-	Aye	Kamhoot	-	Aye
10	Driscoll	-	Nay	Kelleher	-	Aye
11	Drum	-	Absent	Leuthold	-	Aye
12	Eck	-	Aye	Loendorf	-	Aye
13	Erdmann	-	Aye	Lorello	-	Aye
14	Eskildsen	-	Aye	Mahoney	-	Nay
15	Etchart	-	Nay	Mansfield	-	Aye
16	Felt	-	Aye	Martin	-	Aye
17	Foster	-	Aye	McCarvel	-	Aye
18	Furlong	-	Excused	McDonough	-	Aye
19	Garlington	-	Aye	McKeon	-	Aye
20	Gysler	-	Aye	McNeil	-	Aye
21	Habedank	-	Aye	Melvin	-	Aye
22	Hanson, R. S.	-	Aye	Monroe	-	Aye
23	Hanson, R.	-	Aye	Murray	-	Aye
24	Harbaugh	-	Aye	Noble	-	Aye
25	Harlow	-	Aye	Nutting	-	Nay

STATE PUBLISHING CO. HELENA, MONT.

Payne	-	Nay	Sparks	-	Aye
Pemberton	-	Aye	Speer	-	Aye
Rebal	-	Aye	Studer	-	Aye
Reichert	-	Aye	Sullivan	-	Aye
Robinson	-	Aye	Swanberg	-	Aye
Roeder	-	Aye	Toole	-	Absent
Rollins	-	Nay	Van Buskirk	-	Aye
Romney	-	Nay	Vermillion	-	Nay
Rygg	-	Aye	Wagner	-	Aye
Scanlin	-	Aye	Ward	-	Aye
Schiltz	-	Aye	Warden	-	Aye
Siderius	-	Aye	Wilson	-	Aye
Simon	-	Aye	Woodmansey	-	Aye
Skari	-	Aye	Mr. President	-	Aye

PRESIDENT GRAYBILL: Mr. Clerk.

CLERK HANSON: Mr. President, seventy-nine voting Aye, fourteen voting No.

PRESIDENT GRAYBILL: Very well, section five.

CLERK HANSON: (Reading) Section five, --

PRESIDENT GRAYBILL: Compensation.

CLERK HANSON: -- Compensation.

Mr. President.

PRESIDENT GRAYBILL: So many as shall favor section five on compensation will vote Aye on the voting machines; so many as are opposed vote No. Has every Delegate voted?

STATE PUBLISHING CO. HELENA, MONT.

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: The ballot is closed. Please cast the ballot.

Aasheim	-	Aye	Bugbee	-	Aye
Anderson, J.	-	Aye	Burkhardt	-	Aye
Anderson, O.	-	Aye	Cain	-	Aye
Arbanas	-	Aye	Campbell	-	Aye
Arness	-	Aye	Cate	-	Aye
Aronow	-	Aye	Champoux	-	Absent
Artz	-	Aye	Choate	-	Aye
Ask	-	Absent	Conover	-	Aye
Babcock	-	Aye	Cross	-	Aye
Barnard	-	Nay	Dahood	-	Absent
Bates	-	Absent	Davis	-	Absent
Belcher	-	Aye	Delaney	-	Aye
Berg	-	Aye	Driscoll	-	Nay
Berthelson	-	Aye	Drum	-	Absent
Blaylock	-	Aye	Eck	-	Aye
Blend	-	Aye	Erdmann	-	Nay
Bowman	-	Aye	Eskildsen	-	Nay
Brazier	-	Aye	Etchart	-	Nay
Brown	-	Aye	Felt	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Foster	-	Aye	McCarvel	-	Aye
Furlong	-	Excused	McDonough	-	Aye
Garlington	-	Aye	McKeon	-	Aye
Gysler	-	Aye	McNeil	-	Aye
Habedank	-	Aye	Melvin	-	Aye
Hanson, R. S.	-	Aye	Monroe	-	Aye
Hanson, R.	-	Aye	Murray	-	Aye
Harbaugh	-	Aye	Noble	-	Aye
Harlow	-	Aye	Nutting	-	Nay
Harper	-	Aye	Payne	-	Aye
Harrington	-	Aye	Pemberton	-	Aye
Heliker	-	Aye	Rebal	-	Aye
Holland	-	Absent	Reichert	-	Aye
Jacobsen	-	Aye	Robinson	-	Aye
James	-	Aye	Roeder	-	Aye
Johnson	-	Aye	Rollins	-	Aye
Joyce	-	Aye	Romney	-	Aye
Kamhoot	-	Aye	Rygg	-	Aye
Kelleher	-	Aye	Scanlin	-	Aye
Leuthold	-	Aye	Schiltz	-	Aye
Loendorf	-	Aye	Siderius	-	Aye
Lorello	-	Aye	Simon	-	Aye
Mahoney	-	Nay	Skari	-	Aye
Mansfield	-	Aye	Sparks	-	Aye
Martin	-	Aye	Speer	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.

Studer	-	Aye	Wagner	-	Aye
Sullivan	-	Aye	Ward	-	Nay
Swanberg	-	Aye	Warden	-	Aye
Toole	-	Aye	Wilson	-	Nay
Van Buskirk	-	Aye	Woodmansey	-	Aye
Vermillion	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-three voting Aye, nine voting No.

PRESIDENT GRAYBILL: Very well, section six.

CLERK HANSON: (Reading) Section six, Sessions. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Section six is the bottom of page one and on page two. So many as shall favor section six, vote Aye on the voting machines and opposed, No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: The ballot is closed. Cast the ballot.

Aasheim	-	Aye	Arbanas	-	Aye
Anderson, J.	-	Aye	Arness	-	Aye
Anderson, O.	-	Aye	Aronow	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Artz	-	Aye	Driscoll	-	Nay
2	Ask	-	Nay	Drum	-	Absent
3	Babcock	-	Aye	Eck	-	Aye
4	Barnard	-	Nay	Erdmann	-	Aye
5	Bates	-	Nay	Eskildsen	-	Nay
6	Belcher	-	Nay	Etchart	-	Nay
7	Berg	-	Aye	Felt	-	Aye
8	Berthelson	-	Aye	Foster	-	Aye
9	Blaylock	-	Aye	Furlong	-	Excused
10	Blend	-	Aye	Garlington	-	Aye
11	Bowman	-	Aye	Gysler	-	Nay
12	Brazier	-	Aye	Habedank	-	Aye
13	Brown	-	Aye	Hanson, R. S.	-	Nay
14	Bugbee	-	Aye	Hanson, R.	-	Aye
15	Burkhardt	-	Aye	Harbaugh	-	Aye
16	Cain	-	Aye	Harlow	-	Aye
17	Campbell	-	Aye	Harper	-	Aye
18	Cate	-	Aye	Harrington	-	Aye
19	Champoux	-	Aye	Heliker	-	Aye
20	Choate	-	Aye	Holland	-	Absent
21	Conover	-	Aye	Jacobsen	-	Aye
22	Cross	-	Aye	James	-	Aye
23	Dahood	-	Absent	Johnson	-	Nay
24	Davis	-	Absent	Joyce	-	Aye
25	Delaney	-	Aye	Kamhoot	-	Nay

STATE PUBLISHING CO. HELENA, MONT.

Kelleher	-	Aye	Rollins	-	Aye
Leuthold	-	Aye	Romney	-	Aye
Loendorf	-	Aye	Rygg	-	Nay
Lorello	-	Aye	Scanlin	-	Aye
Mahoney	-	Nay	Schiltz	-	Aye
Mansfield	-	Aye	Siderius	-	Aye
Martin	-	Aye	Simon	-	Aye
McCarvel	-	Aye	Skari	-	Aye
McDonough	-	Aye	Sparks	-	Aye
McKeon	-	Aye	Speer	-	Aye
McNeil	-	Nay	Studer	-	Aye
Melvin	-	Aye	Sullivan	-	Aye
Monroe	-	Aye	Swanberg	-	Aye
Murray	-	Aye	Toole	-	Absent
Noble	-	Nay	Van Buskirk	-	Aye
Nutting	-	Nay	Vermillion	-	Aye
Payne	-	Aye	Wagner	-	Aye
Pemberton	-	Aye	Ward	-	Nay
Rebal	-	Aye	Warden	-	Aye
Reichert	-	Aye	Wilson	-	Nay
Robinson	-	Aye	Woodmansey	-	Aye
Roeder	-	Aye	Mr. President	-	Aye

PRESIDENT GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: I see we are voting by sections but not by subsections. In such instances where there are two

STATE PUBLISHING CO. HELENA, MONT.

substantive propositions in the section, where you might be for one and against the other, what does a poor devil do?

PRESIDENT GRAYBILL: Mr. Romney, I told you at the beginning of the vote on this that the rules require that we do this by section and not by subsection, and you have to then decide whether you want to go with your vote or not, but you have to decide whether you like the whole thing as a whole or not and then you get to vote.

Mrs. Pemberton.

DELEGATE PEMBERTON: Mr. President, I was under the impression that this is the way it's to go on the ballot and that we are approving or disapproving of the way it is worded.

PRESIDENT GRAYBILL: We are voting on the Legislative article and it will go on the ballot as the Style and Drafting Committee finally styles it and you are approving the text of this material --

DELEGATE PEMBERTON: Thank you.

PRESIDENT GRAYBILL: -- and you can vote for or against it, either way. Mr. Romney, for what purpose do you rise?

DELEGATE ROMNEY: I seek information.

PRESIDENT GRAYBILL: Very well.

DELEGATE ROMNEY: Would it be possible for me, at this late date, to change my vote on section five?

PRESIDENT GRAYBILL: No, but you can explain it if

STATE PUBLISHING CO. HELENA, MONT.

you want to for the journal.

DELEGATE ROMNEY: I will be more careful in the future, I promise. I voted in favor of section five, being in favor of the first subsection; whereas, I am against the second subsection, so the record will show my feeling.

PRESIDENT GRAYBILL: Very well, section seven, Mr. Clerk.

CLERK HANSON: Shouldn't we announce the vote?

PRESIDENT GRAYBILL: Oh, all right, announce the vote.

CLERK HANSON: Seventy-six Delegates voting Aye, eighteen voting No, Mr. President.

PRESIDENT GRAYBILL: All right, section seven.

CLERK HANSON: (Reading) Section seven, Vacancies. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section seven, vote Aye on the voting machines; so many as shall be opposed, vote No. Has every Delegate voted? Section seven is in the middle of page two.

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Please cast the ballot.

STATE PUBLISHING CO. HELENA, MONT.

1	Aasheim	-	Aye	Choate	-	Aye
2	Anderson, J.	-	Aye	Conover	-	Aye
3	Anderson, O.	-	Aye	Cross	-	Aye
4	Arbanas	-	Aye	Dahood	-	Absent
5	Arness	-	Aye	Davis	-	Absent
6	Aronow	-	Aye	Delaney	-	Aye
7	Artz	-	Aye	Driscoll	-	Nay
8	Ask	-	Aye	Drum	-	Absent
9	Babcock	-	Nay	Eck	-	Aye
10	Barnard	-	Nay	Erdmann	-	Aye
11	Bates	-	Nay	Eskildsen	-	Aye
12	Belcher	-	Aye	Etchart	-	Nay
13	Berg	-	Aye	Felt	-	Aye
14	Berthelson	-	Aye	Foster	-	Aye
15	Blaylock	-	Nay	Furlong	-	Excused
16	Blend	-	Aye	Garlington	-	Aye
17	Bowman	-	Aye	Gysler	-	Aye
18	Brazier	-	Aye	Habedank	-	Nay
19	Brown	-	Aye	Hanson, R. S.	-	Nay
20	Bugbee	-	Aye	Hanson, R.	-	Aye
21	Burkhardt	-	Aye	Harbaugh	-	Nay
22	Cain	-	Aye	Harlow	-	Aye
23	Campbell	-	Aye	Harper	-	Aye
24	Cate	-	Aye	Harrington	-	Aye
25	Champoux	-	Aye	Heliker	-	Aye

STATE PUBLISHING CO. HELENA, MONT. 3

1	Holland	-	Absent	Reichert	-	Aye
2	Jacobsen	-	Aye	Robinson	-	Aye
3	James	-	Aye	Roeder	-	Aye
4	Johnson	-	Aye	Rollins	-	Aye
5	Joyce	-	Aye	Romney	-	Nay
6	Kamhoot	-	Aye	Rygg	-	Nay
7	Kelleher	-	Aye	Scanlin	-	Aye
8	Leuthold	-	Aye	Schiltz	-	Aye
9	Loendorf	-	Aye	Siderius	-	Aye
10	Lorello	-	Aye	Simon	-	Aye
11	Mahoney	-	Nay	Skari	-	Aye
12	Mansfield	-	Nay	Sparks	-	Aye
13	Martin	-	Aye	Speer	-	Aye
14	McCarvel	-	Aye	Studer	-	Aye
15	McDonough	-	Aye	Sullivan	-	Aye
16	McKeon	-	Aye	Swanberg	-	Aye
17	McNeil	-	Aye	Toole	-	Absent
18	Melvin	-	Aye	Van Buskirk	-	Aye
19	Monroe	-	Aye	Vermillion	-	Aye
20	Murray	-	Aye	Wagner	-	Aye
21	Noble	-	Aye	Ward	-	Nay
22	Nutting	-	Nay	Warden	-	Aye
23	Payne	-	Aye	Wilson	-	Nay
24	Pemberton	-	Aye	Woodmansey	-	Aye
25	Rebal	-	Aye	Mr. President	-	Aye

STATE PUBLISHING CO. HELENA, MONT. 3

CLERK HANSON: Mr. President, seventy-eight Delegates voting Aye, sixteen No.

PRESIDENT GRAYBILL: Very well, section eight.

CLERK HANSON: (Reading) Section eight, Immunity. (End reading) Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section eight, vote Aye on the voting machine; so many as are opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Please cast the ballot.

Aasheim	-	Aye	Berthelson	-	Aye
			Berg	-	Aye
Anderson, J.	-	Aye	Blaylock	-	Aye
Anderson, O.	-	Aye	Blend	-	Aye
Arbanas	-	Aye	Bowman	-	Aye
Arness	-	Aye	Brazier	-	Aye
Aronow	-	Aye	Brown	-	Nay
Artz	-	Aye	Bugbee	-	Aye
Ask	-	Aye	Burkhardt	-	Aye
Babcock	-	Aye	Cain	-	Aye
Barnard	-	Nay	Campbell	-	Aye
Bates	-	Aye	Cate	-	Aye
Belcher	-	Aye	Champoux	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Choate	-	Aye	Holland	-	Absent
2	Conover	-	Aye	Jacobsen	-	Aye
3	Cross	-	Aye	James	-	Aye
4	Dahood	-	Absent	Johnson	-	Aye
5	Davis	-	Absent	Joyce	-	Aye
6	Delaney	-	Aye	Kamhoot	-	Aye
7	Driscoll	-	Nay	Kelleher	-	Aye
8	Drum	-	Absent	Leuthold	-	Aye
9	Eck	-	Aye	Loendorf	-	Aye
10	Erdmann	-	Aye	Lorello	-	Aye
11	Eskildsen	-	Aye	Mahoney	-	Absent
12	Etchart	-	Absent	Mansfield	-	Aye
13	Felt	-	Aye	Martin	-	Aye
14	Foster	-	Aye	McCarvel	-	Aye
15	Furlong	-	Excused	McDonough	-	Aye
16	Garlington	-	Aye	McKeon	-	Aye
17	Gysler	-	Aye	McNeil	-	Aye
18	Habedank	-	Aye	Melvin	-	Aye
19	Hanson, R. S.	-	Aye	Monroe	-	Aye
20	Hanson, R.	-	Aye	Murray	-	Aye
21	Harbaugh	-	Aye	Noble	-	Aye
22	Harlow	-	Aye	Nutting	-	Aye
23	Harper	-	Aye	Payne	-	Aye
24	Harrington	-	Aye	Pemberton	-	Aye
25	Heliker	-	Aye	Rebal	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Reichert	-	Aye	Studer	-	Aye
Robinson	-	Aye	Sullivan	-	Aye
Roeder	-	Aye	Swanberg	-	Aye
Rollins	-	Aye	Toole	-	Absent
Romney	-	Aye	Van Buskirk	-	Aye
Rygg	-	Aye	Vermillion	-	Aye
Scanlin	-	Aye	Wagner	-	Aye
Schiltz	-	Aye	Ward	-	Aye
Siderius	-	Aye	Warden	-	Nay
Simon	-	Aye	Wilson	-	Nay
Skari	-	Aye	Woodmansey	-	Aye
Sparks	-	Aye	Mr. President	-	Aye
Speer	-	Aye			

CLERK HANSON: Mr. President, eighty-seven Delegates voting Aye, five voting No.

PRESIDENT GRAYBILL: Very well, section nine.

CLERK HANSON: (Reading) Section nine, Disqualification. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section nine, please vote Aye on the voting machine; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

STATE PUBLISHING CO. HELENA, MONT. 3

(No response)

PRESIDENT GRAYBILL: Very well, cast the ballot.

Aasheim	-	Nay	Cate	-	Aye
Anderson, J.	-	Absent	Champoux	-	Aye
Anderson, O.	-	Aye	Choate	-	Aye
Arbanas	-	Aye	Conover	-	Aye
Arness	-	Aye	Cross	-	Aye
Aronow	-	Aye	Dahood	-	Absent
Artz	-	Aye	Davis	-	Absent
Ask	-	Aye	Delaney	-	Aye
Babcock	-	Aye	Driscoll	-	Nay
Barnard	-	Aye	Drum	-	Absent
Bates	-	Aye	Eck	-	Aye
Belcher	-	Aye	Erdmann	-	Aye
Berg	-	Aye	Eskildsen	-	Aye
Berthelson	-	Aye	Etchart	-	Nay
Blaylock	-	Aye	Felt	-	Aye
Blend	-	Aye	Foster	-	Aye
Bowman	-	Nay	Furlong	-	Excused
Brazier	-	Nay	Garlington	-	Aye
Brown	-	Nay	Gysler	-	Aye
Bugbee	-	Aye	Habedank	-	Aye
Burkhardt	-	Aye	Hanson, R. S.	-	Aye
Cain	-	Aye	Hanson, R.	-	Aye
Campbell	-	Aye	Harbaugh	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Harlow	-	Aye	Nutting	-	Aye
2	Harper	-	Aye	Payne	-	Aye
3	Harrington	-	Aye	Pemberton	-	Aye
4	Heliker	-	Aye	Rebal	-	Aye
5	Holland	-	Absent	Reichert	-	Aye
6	Jacobsen	-	Aye	Robinson	-	Nay
7	James	-	Aye	Roeder	-	Aye
8	Johnson	-	Nay	Rollins	-	Nay
9	Joyce	-	Nay	Romney	-	Nay
10	Kamhoot	-	Nay	Rygg	-	Nay
11	Kelleher	-	Aye	Scanlin	-	Aye
12	Leuthold	-	Aye	Schiltz	-	Aye
13	Loendorf	-	Aye	Siderius	-	Aye
14	Lorello	-	Aye	Simon	-	Aye
15	Mahoney	-	Nay	Skari	-	Aye
16	Mansfield	-	Aye	Sparks	-	Aye
17	Martin	-	Aye	Speer	-	Aye
18	McCarvel	-	Aye	Studer	-	Aye
19	McDonough	-	Aye	Sullivan	-	Aye
20	McKeon	-	Aye	Swanberg	-	Aye
21	McNeil	-	Aye	Toole	-	Absent
22	Melvin	-	Aye	Van Buskirk	-	Aye
23	Monroe	-	Aye	Vermillion	-	Aye
24	Murray	-	Aye	Wagner	-	Aye
25	Noble	-	Aye	Ward	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Warden	-	Aye	Woodmansey	-	Aye
Wilson	-	Nay	Mr. President	-	Aye

CLERK HANSON: Mr. President, seventy-eight Delegates voting Aye, fifteen No.

PRESIDENT GRAYBILL: Section ten.

CLERK HANSON: (Reading) Section ten, Organization and Procedure. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section ten, vote Aye on the voting machines and so many as are opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Please cast the ballot.

Aasheim	-	Aye	Barnard	-	Nay
Anderson, J.	-	Aye	Bates	-	Aye
Anderson, O.	-	Aye	Belcher	-	Aye
Arbanas	-	Aye	Berg	-	Aye
Arness	-	Aye	Berthelson	-	Aye
Aronow	-	Aye	Blaylock	-	Aye
Artz	-	Aye	Blend	-	Aye
Ask	-	Aye	Bowman	-	Aye
Babcock	-	Aye	Brazier	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Brown	-	Aye	Hanson, R. S.	-	Aye
2	Bugbee	-	Aye	Hanson, R.	-	Aye
3	Burkhardt	-	Aye	Harbaugh	-	Aye
4	Cain	-	Aye	Harlow	-	Aye
5	Campbell	-	Aye	Harper	-	Aye
6	Cate	-	Aye	Harrington	-	Aye
7	Champoux	-	Aye	Heliker	-	Aye
8	Choate	-	Aye	Holland	-	Absent
9	Conover	-	Aye	Jacobsen	-	Aye
10	Cross	-	Aye	James	-	Aye
11	Dahood	-	Absent	Johnson	-	Aye
12	Davis	-	Absent	Joyce	-	Aye
13	Delaney	-	Aye	Kamhoot	-	Nay
14	Driscoll	-	Nay	Kelleher	-	Aye
15	Drum	-	Absent	Leuthold	-	Aye
16	Eck	-	Aye	Loendorf	-	Aye
17	Erdmann	-	Aye	Lorello	-	Absent
18	Eskildsen	-	Nay	Mahoney	-	Nay
19	Etchart	-	Nay	Mansfield	-	Aye
20	Felt	-	Aye	Martin	-	Aye
21	Foster	-	Aye	McCarvel	-	Aye
22	Furlong	-	Excused	McDonough	-	Aye
23	Garlington	-	Aye	McKeon	-	Aye
24	Gysler	-	Nay	McNeil	-	Aye
25	Habedank	-	Aye	Melvin	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.

Monroe	-	Aye	Simon	-	Aye
Murray	-	Aye	Skari	-	Aye
Noble	-	Aye	Sparks	-	Nay
Nutting	-	Aye	Speer	-	Aye
Payne	-	Aye	Studer	-	Nay
Pemberton	-	Aye	Sullivan	-	Aye
Rebal	-	Aye	Swanberg	-	Aye
Reichert	-	Aye	Toole	-	Absent
Robinson	-	Aye	Van Buskirk	-	Aye
Roeder	-	Aye	Vermillion	-	Aye
Rollins	-	Absent	Wagner	-	Aye
Romney	-	Aye	Ward	-	Nay
Rygg	-	Aye	Warden	-	Aye
Scanlin	-	Aye	Wilson	-	Nay
Schiltz	-	Aye	Woodmansey	-	Aye
Siderius	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-one Delegates voting Aye, eleven voting No.

PRESIDENT GRAYBILL: Very well, section eleven in the middle of page three.

CLERK HANSON: (Reading) Section eleven, Bills. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section eleven, which contains six subsections, vote Aye on

STATE PUBLISHING CO. HELENA, MONT.

the voting machines; so many as are opposed vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Close the ballot.

Aasheim	-	Aye	Brown	-	Nay
Anderson, J.	-	Aye	Bugbee	-	Aye
Anderson, O.	-	Aye	Burkhardt	-	Aye
Arbanas	-	Absent	Cain	-	Aye
Arness	-	Nay	Campbell	-	Aye
Aronow	-	Aye	Cate	-	Aye
Artz	-	Aye	Champoux	-	Aye
Ask	-	Absent	Choate	-	Aye
Babcock	-	Aye	Conover	-	Aye
Barnard	-	Aye	Cross	-	Aye
Bates	-	Aye	Dahood	-	Absent
Belcher	-	Aye	Davis	-	Absent
Berg	-	Nay	Delaney	-	Aye
Berthelson	-	Aye	Driscoll	-	Nay
Blaylock	-	Aye	Drum	-	Absent
Blend	-	Aye	Eck	-	Aye
Bowman	-	Aye	Erdmann	-	Aye
Brazier	-	Nay	Eskildsen	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Etchart	-	Nay	Mansfield	-	Aye
2	Felt	-	Aye	Martin	-	Aye
3	Foster	-	Nay	McCarvel	-	Nay
4	Furlong	-	Excused	McDonough	-	Nay
5	Garlington	-	Aye	McKeon	-	Nay
6	Gysler	-	Nay	McNeil	-	Aye
7	Habedank	-	Aye	Melvin	-	Aye
8	Hanson, R. S.	-	Nay	Monroe	-	Aye
9	Hanson, R.	-	Aye	Murray	-	Aye
10	Harbaugh	-	Aye	Noble	-	Aye
11	Harlow	-	Aye	Nutting	-	Aye
12	Harper	-	Aye	Payne	-	Aye
13	Harrington	-	Aye	Pemberton	-	Aye
14	Heliker	-	Nay	Rebal	-	Aye
15	Holland	-	Absent	Reichert	-	Aye
16	Jacobsen	-	Aye	Robinson	-	Nay
17	James	-	Aye	Roeder	-	Nay
18	Johnson	-	Aye	Rollins	-	Nay
19	Joyce	-	Aye	Romney	-	Aye
20	Kamhoot	-	Nay	Rygg	-	Aye
21	Kelleher	-	Nay	Scanlin	-	Aye
22	Leuthold	-	Aye	Schiltz	-	Aye
23	Loendorf	-	Aye	Siderius	-	Aye
24	Lorello	-	Aye	Simon	-	Aye
25	Mahoney	-	Nay	Skari	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Sparks	-	Nay	Vermillion	-	Aye
Speer	-	Aye	Wagner	-	Nay
Studer	-	Aye	Ward	-	Nay
Sullivan	-	Aye	Warden	-	Aye
Swanberg	-	Aye	Wilson	-	Nay
Toole	-	Absent	Woodmansey	-	Aye
Van Buskirk	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, sixty-nine Delegates voting Aye, twenty-three voting No.

PRESIDENT GRAYBILL: Section twelve on page four.

CLERK HANSON: (Reading) Section twelve, Local and Special Legislation. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many Delegates as shall favor section twelve, vote Aye on the voting machines; so many as opposed, vote Nay. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Close the ballot and cast the vote.

Aasheim	-	Aye	Arbanas	-	Aye
Anderson, J.	-	Aye	Arness	-	Aye
Anderson, O.	-	Aye	Aronow	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Artz	-	Aye	Driscoll	-	Nay
2	Ask	-	Aye	Drum	-	Absent
3	Babcock	-	Aye	Eck	-	Aye
4	Barnard	-	Aye	Erdmann	-	Aye
5	Bates	-	Aye	Eskildsen	-	Aye
6	Belcher	-	Aye	Etchart	-	Nay
7	Berg	-	Aye	Felt	-	Aye
8	Berthelson	-	Aye	Foster	-	Aye
9	Blaylock	-	Aye	Furlong	-	Excused
10	Blend	-	Aye	Garlington	-	Aye
11	Bowman	-	Aye	Gysler	-	Aye
12	Brazier	-	Aye	Habedank	-	Aye
13	Brown	-	Aye	Hanson, R. S.	-	Aye
14	Bugbee	-	Aye	Hanson, R.	-	Aye
15	Burkhardt	-	Aye	Harbaugh	-	Aye
16	Cain	-	Aye	Harlow	-	Aye
17	Campbell	-	Aye	Harper	-	Aye
18	Cate	-	Aye	Harrington	-	Aye
19	Champoux	-	Aye	Heliker	-	Aye
20	Choate	-	Aye	Holland	-	Absent
21	Conover	-	Aye	Jacobsen	-	Aye
22	Cross	-	Aye	James	-	Aye
23	Dahood	-	Absent	Johnson	-	Aye
24	Davis	-	Absent	Joyce	-	Aye
25	Delaney	-	Aye	Kamhoot	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Kelleher	-	Aye	Rollins	-	Aye
Leuthold	-	Aye	Romney	-	Aye
Loendorf	-	Aye	Rygg	-	Nay
Lorello	-	Aye	Scanlin	-	Aye
Mahoney	-	Nay	Schiltz	-	Aye
Mansfield	-	Aye	Siderius	-	Aye
Martin	-	Aye	Simon	-	Aye
McCarvel	-	Aye	Skari	-	Aye
McDonough	-	Aye	Sparks	-	Aye
McKeon	-	Aye	Speer	-	Aye
McNeil	-	Aye	Studer	-	Aye
Melvin	-	Aye	Sullivan	-	Aye
Monroe	-	Aye	Swanberg	-	Aye
Murray	-	Aye	Toole	-	Absent
Noble	-	Aye	Van Buskirk	-	Aye
Nutting	-	Aye	Vermillion	-	Aye
Payne	-	Aye	Wagner	-	Aye
Pemberton	-	Aye	Ward	-	Aye
Rebal	-	Aye	Warden	-	Aye
Reichert	-	Aye	Wilson	-	Nay
Robinson	-	Aye	Woodmansey	-	Aye
Roeder	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. Chairman, eighty-nine Delegates voting Aye, five voting No.

PRESIDENT GRAYBILL: Very well, section thirteen on

STATE PUBLISHING CO. HELENA, MONT.

page four, including four subsections.

CLERK HANSON: (Reading) Section thirteen, Impeachment. (End reading)

PRESIDENT GRAYBILL: So many as are in favor of section thirteen vote Aye on the voting machine and so many as opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot, please.

Aasheim	-	Aye	Blaylock	-	Aye
Anderson, J.	-	Aye	Blend	-	Aye
Anderson, O.	-	Aye	Bowman	-	Nay
Arbanas	-	Aye	Brazier	-	Aye
Arness	-	Aye	Brown	-	Aye
Aronow	-	Aye	Bugbee	-	Aye
Artz	-	Aye	Burkhardt	-	Aye
Ask	-	Aye	Cain	-	Aye
Babcock	-	Aye	Campbell	-	Aye
Barnard	-	Aye	Cate	-	Nay
Bates	-	Aye	Champoux	-	Aye
Belcher	-	Aye	Choate	-	Aye
Berg	-	Aye	Conover	-	Aye
Berthelson	-	Nay	Cross	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Dahood	-	Absent	Johnson	-	Aye
Davis	-	Aye	Joyce	-	Aye
Delaney	-	Aye	Kamhoot	-	Aye
Driscoll	-	Nay	Kelleher	-	Aye
Drum	-	Absent	Leuthold	-	Aye
Eck	-	Aye	Loendorf	-	Aye
Erdmann	-	Aye	Lorello	-	Absent
Eskildsen	-	Aye	Mahoney	-	Nay
Etchart	-	Nay	Mansfield	-	Aye
Felt	-	Aye	Martin	-	Aye
Foster	-	Aye	McCarvel	-	Aye
Furlong	-	Excused	McDonough	-	Aye
Garlington	-	Aye	McKeon	-	Aye
Gysler	-	Aye	McNeil	-	Aye
Habedank	-	Aye	Melvin	-	Aye
Hanson, R. S.	-	Aye	Monroe	-	Aye
Hanson, R.	-	Aye	Murray	-	Aye
Harbaugh	-	Aye	Noble	-	Aye
Harlow	-	Aye	Nutting	-	Aye
Harper	-	Aye	Payne	-	Aye
Harrington	-	Aye	Pemberton	-	Aye
Heliker	-	Aye	Rebal	-	Aye
Holland	-	Absent	Reichert	-	Aye
Jacobsen	-	Aye	Robinson	-	Aye
James	-	Aye	Roeder	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Rollins	-	Aye	Sullivan	-	Aye
Romney	-	Aye	Swanberg	-	Aye
Rygg	-	Aye	Toole	-	Absent
Scanlin	-	Aye	Van Buskirk	-	Aye
Schiltz	-	Aye	Vermillion	-	Aye
Siderius	-	Aye	Wagner	-	Aye
Simon	-	Aye	Ward	-	Aye
Skari	-	Aye	Warden	-	Aye
Sparks	-	Aye	Wilson	-	Nay
Speer	-	Aye	Woodmansey	-	Aye
Studer	-	Aye	Mr. President	-	Absent

CLERK HANSON: Mr. President, eighty-six Delegates voting Aye, seven voting No.

PRESIDENT GRAYBILL: Very well. Graybill votes Aye.

CLERK HANSON: Eighty-seven voting Aye, seven voting No.

PRESIDENT GRAYBILL: Section fourteen.

CLERK HANSON: (Reading) Section fourteen, Districting and Apportionment. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Section fourteen, including three subsections. So many as are in favor vote Aye on the voting machines; so many as are opposed, vote No. Has every Delegate voted?

(No response)

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: Any other Delegates that wish to change their votes?

(No response)

PRESIDENT GRAYBILL: Please cast the ballot.

Aasheim	-	Aye	Cain	-	Aye
Anderson, J.	-	Aye	Campbell	-	Aye
Anderson, O.	-	Aye	Cate	-	Aye
Arbanas	-	Aye	Champoux	-	Aye
Arness	-	Aye	Choate	-	Aye
Aronow	-	Aye	Conover	-	Aye
Artz	-	Aye	Cross	-	Aye
Ask	-	Aye	Dahood	-	Absent
Babcock	-	Aye	Davis	-	Aye
Barnard	-	Aye	Delaney	-	Aye
Bates	-	Aye	Driscoll	-	Nay
Belcher	-	Nay	Drum	-	Absent
Berg	-	Aye	Eck	-	Aye
Berthelson	-	Aye	Erdmann	-	Aye
Blaylock	-	Aye	Eskildsen	-	Nay
Blend	-	Aye	Etchart	-	Nay
Bowman	-	Aye	Felt	-	Aye
Brazier	-	Aye	Foster	-	Aye
Brown	-	Aye	Furlong	-	Excused
Bugbee	-	Aye	Garlington	-	Aye
Burkhardt	-	Aye	Gysler	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Habedank	-	Aye	Melvin	-	Aye
2	Hanson, R. S.	-	Aye	Monroe	-	Aye
3	Hanson, R.	-	Aye	Murray	-	Aye
4	Harbaugh	-	Nay	Noble	-	Aye
5	Harlow	-	Aye	Nutting	-	Nay
6	Harper	-	Aye	Payne	-	Aye
7	Harrington	-	Aye	Pemberton	-	Aye
8	Heliker	-	Aye	Rebal	-	Aye
9	Holland	-	Absent	Reichert	-	Aye
10	Jacobsen	-	Aye	Robinson	-	Aye
11	James	-	Aye	Roeder	-	Aye
12	Johnson	-	Aye	Rollins	-	Nay
13	Joyce	-	Aye	Romney	-	Nay
14	Kamhoot	-	Aye	Rygg	-	Nay
15	Kelleher	-	Aye	Scanlin	-	Aye
16	Leuthold	-	Aye	Schiltz	-	Aye
17	Loendorf	-	Aye	Siderius	-	Aye
18	Lorello	-	Aye	Simon	-	Aye
19	Mahoney	-	Nay	Skari	-	Aye
20	Mansfield	-	Aye	Sparks	-	Aye
21	Martin	-	Aye	Speer	-	Aye
22	McCarvel	-	Aye	Studer	-	Nay
23	McDonough	-	Aye	Sullivan	-	Aye
24	McKeon	-	Nay	Swanberg	-	Aye
25	McNeil	-	Nay	Toole	-	Absent

STATE
PUBLISHING CO.
HELENA, MONT.
3

Van Buskirk	-	Aye	Warden	-	Aye
Vermillion	-	Aye	Wilson	-	Nay
Wagner	-	Nay	Woodmansey	-	Aye
Ward	-	Nay	Mr. President	-	Aye

CLERK HANSON: Mr. Chairman -- Mr. President, seventy-nine voting Aye, sixteen voting No.

PRESIDENT GRAYBILL: Very well, section fifteen at the bottom of page five.

CLERK HANSON: (Reading) Section fifteen, Referendum of Unicameral Legislature. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Section fifteen consists of a great many subsections because it includes the bicameral article. So many as are in favor of section sixteen, vote Aye on the voting machines, and so many as are opposed, vote No.

DELEGATES: Section fifteen.

PRESIDENT GRAYBILL: Fifteen -- fifteen, I beg your pardon. Fifteen on the bottom of page five, Referendum on Unicameral Legislature. It includes the bicameral alternative in the event the referendum is turned down. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: The ballot is closed.

DELEGATE ROMNEY: Mr. Chairman.

PRESIDENT GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: I didn't punch it hard enough, I guess. I want to vote Aye.

PRESIDENT GRAYBILL: Mr. Romney votes Aye.

Aasheim	-	Aye	Bugbee	-	Aye
Anderson, J.	-	Aye	Burkhardt	-	Aye
Anderson, O.	-	Aye	Cain	-	Aye
Arbanas	-	Aye	Campbell	-	Aye
Arness	-	Nay	Cate	-	Nay
Aronow	-	Aye	Champoux	-	Nay
Artz	-	Aye	Choate	-	Aye
Ask	-	Nay	Conover	-	Aye
Babcock	-	Aye	Cross	-	Aye
Barnard	-	Aye	Dahood	-	Absent
Bates	-	Nay	Davis	-	Aye
Belcher	-	Aye	Delaney	-	Aye
Berg	-	Aye	Driscoll	-	Nay
Berthelson	-	Aye	Drum	-	Aye
Blaylock	-	Aye	Eck	-	Aye
Blend	-	Nay	Erdmann	-	Aye
Bowman	-	Aye	Eskildsen	-	Aye
Brazier	-	Aye	Etchart	-	Nay
Brown	-	Aye	Felt	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Foster	-	Aye	McCarvel	-	Aye
Furlong	-	Excused	McDonough	-	Aye
Garlington	-	Aye	McKeon	-	Aye
Gysler	-	Nay	McNeil	-	Aye
Habedank	-	Aye	Melvin	-	Aye
Hanson, R. S.	-	Aye	Monroe	-	Nay
Hanson, R.	-	Aye	Murray	-	Aye
Harbaugh	-	Aye	Noble	-	Aye
Harlow	-	Aye	Nutting	-	Aye
Harper	-	Aye	Payne	-	Aye
Harrington	-	Absent	Pemberton	-	Aye
Heliker	-	Aye	Rebal	-	Aye
Holland	-	Absent	Reichert	-	Aye
Jacobsen	-	Aye	Robinson	-	Aye
James	-	Aye	Roeder	-	Aye
Johnson	-	Nay	Rollins	-	Nay
Joyce	-	Aye	Romney	-	Aye
Kamhoot	-	Nay	Rygg	-	Aye
Kelleher	-	Nay	Scanlin	-	Aye
Leuthold	-	Aye	Schiltz	-	Aye
Loendorf	-	Aye	Siderius	-	Aye
Lorello	-	Aye	Simon	-	Aye
Mahoney	-	Nay	Skari	-	Aye
Mansfield	-	Aye	Sparks	-	Aye
Martin	-	Aye	Speer	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Studer	-	Nay	Wagner	-	Nay
Sullivan	-	Aye	Ward	-	Nay
Swanberg	-	Absent	Warden	-	Aye
Toole	-	Absent	Wilson	-	Nay
Van Buskirk	-	Aye	Woodmansey	-	Aye
Vermillion	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, seventy-five Delegates voting Aye, nineteen voting No.

PRESIDENT GRAYBILL: Very well, section sixteen on page nine.

CLERK HANSON: (Reading) Section sixteen, Prohibited Payments. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Section sixteen on page nine. So many Delegates as are in favor, vote Aye, and opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Arness	-	Aye
Anderson, J.	-	Aye	Aronow	-	Aye
Anderson, O.	-	Aye	Artz	-	Aye
Arbanas	-	Aye	Ask	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Babcock	-	Aye	Eck	-	Aye
2	Barnard	-	Aye	Erdmann	-	Aye
3	Bates	-	Aye	Eskildsen	-	Aye
4	Belcher	-	Aye	Etchart	-	Nay
5	Berg	-	Aye	Felt	-	Aye
6	Berthelson	-	Aye	Foster	-	Aye
7	Blaylock	-	Aye	Furlong	-	Excused
8	Blend	-	Nay	Garlington	-	Aye
9	Bowman	-	Aye	Gysler	-	Aye
10	Brazier	-	Aye	Habedank	-	Aye
11	Brown	-	Aye	Hanson, R. S.	-	Aye
12	Bugbee	-	Aye	Hanson, R.	-	Aye
13	Burkhardt	-	Aye	Harbaugh	-	Aye
14	Cain	-	Aye	Harlow	-	Aye
15	Campbell	-	Aye	Harper	-	Aye
16	Cate	-	Aye	Harrington	-	Absent
17	Champoux	-	Aye	Heliker	-	Aye
18	Choate	-	Aye	Holland	-	Absent
19	Conover	-	Aye	Jacobsen	-	Aye
20	Cross	-	Aye	James	-	Aye
21	Dahood	-	Absent	Johnson	-	Aye
22	Davis	-	Aye	Joyce	-	Aye
23	Delaney	-	Aye	Kamhoot	-	Aye
24	Driscoll	-	Nay	Kelleher	-	Aye
25	Drum	-	Aye	Leuthold	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Loendorf	-	Nay	Romney	-	Aye
Lorello	-	Aye	Rygg	-	Aye
Mahoney	-	Aye	Scanlin	-	Aye
Mansfield	-	Aye	Schiltz	-	Aye
Martin	-	Aye	Siderius	-	Aye
McCarvel	-	Aye	Simon	-	Aye
McDonough	-	Aye	Skari	-	Aye
McKeon	-	Aye	Sparks	-	Aye
McNeil	-	Nay	Speer	-	Aye
Melvin	-	Aye	Studer	-	Aye
Monroe	-	Aye	Sullivan	-	Aye
Murray	-	Aye	Swanberg	-	Aye
Noble	-	Aye	Toole	-	Absent
Nutting	-	Aye	Van Buskirk	-	Aye
Payne	-	Aye	Vermillion	-	Aye
Pemberton	-	Aye	Wagner	-	Aye
Rebal	-	Aye	Ward	-	Aye
Reichert	-	Aye	Warden	-	Aye
Robinson	-	Aye	Wilson	-	Aye
Roeder	-	Aye	Woodmansey	-	Aye
Rollins	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, ninety Delegates voting Aye, five voting No.

PRESIDENT GRAYBILL: Very well, section seventeen.

CLERK HANSON: (Reading) Section seventeen, Code

STATE PUBLISHING CO. HELENA, MONT.

of ethics. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Section seventeen on page nine. So many Delegates as are in favor vote Aye on the voting machine and opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot, please.

Mrs. Reichert.

DELEGATE REICHERT: Mr. President, Reichert votes Aye.

PRESIDENT GRAYBILL: Reichert votes Aye.

Aasheim - Aye	Belcher - Aye
Anderson, J. - Aye	Berg - Aye
Anderson, O. - Aye	Berthelson - Aye
Arbanas - Aye	Blaylock - Aye
Arness - Aye	Blend - Aye
Aronow - Aye	Bowman - Aye
Artz - Aye	Brazier - Aye
Ask - Aye	Brown - Aye
Babcock - Aye	Bugbee - Aye
Barnard - Aye	Burkhardt - Aye
Bates - Aye	Cain - Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Campbell	-	Aye	Harper	-	Aye
2	Cate	-	Aye	Harrington	-	Absent
3	Champoux	-	Aye	Heliker	-	Aye
4	Choate	-	Aye	Holland	-	Absent
5	Conover	-	Aye	Jacobsen	-	Aye
6	Cross	-	Aye	James	-	Aye
7	Dahood	-	Absent	Johnson	-	Aye
8	Davis	-	Aye	Joyce	-	Aye
9	Delaney	-	Aye	Kamhoot	-	Aye
10	Driscoll	-	Nay	Kelleher	-	Aye
11	Drum	-	Aye	Leuthold	-	Aye
12	Eck	-	Aye	Loendorf	-	Aye
13	Erdmann	-	Aye	Lorello	-	Aye
14	Eskildsen	-	Aye	Mahoney	-	Nay
15	Etchart	-	Nay	Mansfield	-	Aye
16	Felt	-	Aye	Martin	-	Aye
17	Foster	-	Aye	McCarvel	-	Aye
18	Furlong	-	Excused	McDonough	-	Aye
19	Garlington	-	Aye	McKeon	-	Aye
20	Gysler	-	Aye	McNeil	-	Aye
21	Habedank	-	Aye	Melvin	-	Aye
22	Hanson, R. S.	-	Aye	Monroe	-	Absent
23	Hanson, R.	-	Aye	Murray	-	Aye
24	Harbaugh	-	Aye	Noble	-	Aye
25	Harlow	-	Aye	Nutting	-	Aye

STATE PUBLISHING CO. HELENA, MONT. 3

Payne	-	Aye	Sparks	-	Aye
Pemberton	-	Aye	Speer	-	Absent
Rebal	-	Aye	Studer	-	Aye
Reichert	-	Aye	Sullivan	-	Aye
Robinson	-	Aye	Swanberg	-	Aye
Roeder	-	Aye	Toole	-	Absent
Rollins	-	Nay	Van Buskirk	-	Aye
Romney	-	Aye	Vermillion	-	Aye
Rygg	-	Aye	Wagner	-	Aye
Scanlin	-	Aye	Ward	-	Aye
Schiltz	-	Aye	Warden	-	Aye
Siderius	-	Aye	Wilson	-	Nay
Simon	-	Aye	Woodmansey	-	Aye
Skari	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-eight Delegates voting Aye, five voting No.

PRESIDENT GRAYBILL: Very well.

Mr. Aasheim.

DELEGATE AASHEIM: Mr. President, yesterday afternoon we had an hour television program debating the unicameral and bicameral, and I can see now why Mrs. Reichert is failing to press that button properly. She was probably convinced that unicameral wasn't as good as she thought it was.

(Laughter)

DELEGATE REICHERT: (Inaudible. Microphone not in

STATE PUBLISHING CO. HELENA, MONT.

operation) -- if it's not too late.

PRESIDENT GRAYBILL: Mrs. Speer.

DELEGATE SPEER: I vote Aye. This isn't working.

PRESIDENT GRAYBILL: On section seventeen?

DELEGATE SPEER: Yes.

PRESIDENT GRAYBILL: Very well.

DELEGATE BATES: Mr. Chairman.

PRESIDENT GRAYBILL: The Chair knows this is difficult for you. It's a little difficult for the Clerk, too, and we're just running the tape back so we don't -- our only problem is the tape and we have to work with the tape and we've sent for the repairman, but bear with us and I think we can get this job done.

Mrs. Bates.

DELEGATE BATES: Mr. Chairman --

PRESIDENT GRAYBILL: For what purpose do you rise?

DELEGATE BATES: In voting on section one, I voted wrong. I meant to vote No.

PRESIDENT GRAYBILL: Very well, on section one of the Legislative article?

DELEGATE BATES: Yes, because it says one chamber body and I'm not for a one-chamber.

PRESIDENT GRAYBILL: That's fine, Mrs. Bates. That may show in the journal, or the transcript.

Mr. Mahoney.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE MAHONEY: I might have to confess like Mrs. Bates that I made an awful error and I didn't realize at the time, but I did make an error on section one, but I don't want any questions on it. I just wanted the body to know that I did make an error.

PRESIDENT GRAYBILL: Confession is good for the soul.

(Laughter)

PRESIDENT GRAYBILL: We are now going to start on the Legislative bicameral article, after the middle sheet. Mr. Clerk, will you please read section one?

CLERK HANSON: (Reading) Section one, Power and Structure. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section one of the bicameral article on page one behind the manila colored, or the cream colored sheet, vote Aye on the voting machines; as many as are opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, the vote is closed.

Aasheim	-	Aye	Anderson, O.	-	Aye
Anderson, J.	-	Aye	Arbanas	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Arness	-	Aye	Davis	-	Absent
Aronow	-	Aye	Delaney	-	Aye
Artz	-	Aye	Driscoll	-	Aye
Ask	-	Aye	Drum	-	Aye
Babcock	-	Aye	Eck	-	Nay
Barnard	-	Aye	Erdmann	-	Aye
Bates	-	Aye	Eskildsen	-	Aye
Belcher	-	Aye	Etchart	-	Aye
Berg	-	Aye	Felt	-	Aye
Berthelson	-	Aye	Foster	-	Aye
Blaylock	-	Aye	Furlong	-	Excused
Blend	-	Absent	Garlington	-	Aye
Bowman	-	Aye	Bysler	-	Aye
Brazier	-	Aye	Habedank	-	Aye
Brown	-	Aye	Hanson, R. S.	-	Aye
Bugbee	-	Nay	Hanson, R.	-	Aye
Burkhardt	-	Aye	Harbaugh	-	Aye
Cain	-	Aye	Harlow	-	Nay
Campbell	-	Aye	Harper	-	Aye
Cate	-	Aye	Harrington	-	Aye
Champoux	-	Aye	Heliker	-	Absent
Choate	-	Nay	Holland	-	Absent
Conover	-	Aye	Jacobsen	-	Aye
Cross	-	Aye	James	-	Aye
Dahood	-	Absent	Johnson	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.

Joyce	-	Aye	Roeder	-	Nay
Kamhoot	-	Aye	Rollins	-	Nay
Kelleher	-	Nay	Romney	-	Aye
Leuthold	-	Aye	Rygg	-	Aye
Loendorf	-	Aye	Scanlin	-	Aye
Lorello	-	Aye	Schiltz	-	Aye
Mahoney	-	Aye	Siderius	-	Aye
Mansfield	-	Aye	Simon	-	Aye
Martin	-	Aye	Skari	-	Aye
McCarvel	-	Aye	Sparks	-	Aye
McDonough	-	Aye	Speer	-	Nay
McKeon	-	Aye	Studer	-	Aye
McNeil	-	Aye	Sullivan	-	Aye
Melvin	-	Aye	Swanberg	-	Aye
Monroe	-	Nay	Toole	-	Aye
Murray	-	Aye	Van Buskirk	-	Aye
Noble	-	Absent	Vermillion	-	Aye
Nutting	-	Aye	Wagner	-	Aye
Payne	-	Aye	Ward	-	Aye
Pemberton	-	Aye	Warden	-	Nay
Rebal	-	Aye	Wilson	-	Aye
Reichert	-	Aye	Woodmansey	-	Aye
Robinson	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-three Delegates voting Aye, ten voting No.

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: Very well, section two, Size.

CLERK HANSON: (Reading) Section two, Size. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as are in favor of section two, vote Aye on the voting machines; so many as are opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, the vote's closed.

Aasheim	-	Aye	Berthelson	-	Aye
Anderson, J.	-	Aye	Blaylock	-	Aye
Anderson, O.	-	Aye	Blend	-	Aye
Arbanas	-	Aye	Bowman	-	Aye
Arness	-	Aye	Brazier	-	Aye
Aronow	-	Nay	Brown	-	Aye
Artz	-	Aye	Bugbee	-	Nay
Ask	-	Nay	Burkhardt	-	Aye
Babcock	-	Aye	Cain	-	Nay
Barnard	-	Aye	Campbell	-	Aye
Bates	-	Nay	Cate	-	Aye
Belcher	-	Nay	Champoux	-	Nay
Berg	-	Aye	Choate	-	Nay

STATE PUBLISHING CO. HELENA, MONT.

1	Conover	-	Aye	Jacobsen	-	Nay
2	Cross	-	Aye	James	-	Aye
3	Dahood	-	Absent	Johnson	-	Aye
4	Davis	-	Absent	Joyce	-	Aye
5	Delaney	-	Aye	Kamhoot	-	Aye
6	Driscoll	-	Aye	Kelleher	-	Nay
7	Drum	-	Aye	Leuthold	-	Aye
8	Eck	-	Nay	Loendorf	-	Nay
9	Erdmann	-	Aye	Lorello	-	Aye
10	Eskildsen	-	Aye	Mahoney	-	Aye
11	Etchart	-	Aye	Mansfield	-	Aye
12	Felt	-	Aye	Martin	-	Aye
13	Foster	-	Aye	McCarvel	-	Aye
14	Furlong	-	Excused	McDonough	-	Aye
15	Garlington	-	Aye	McKeon	-	Aye
16	Gysler	-	Aye	McNeil	-	Aye
17	Habedank	-	Aye	Melvin	-	Aye
18	Hanson, R. S.	-	Nay	Monroe	-	Nay
19	Hanson, R.	-	Nay	Murray	-	Aye
20	Harbaugh	-	Aye	Noble	-	Absent
21	Harlow	-	Nay	Nutting	-	Nay
22	Harper	-	Nay	Payne	-	Aye
23	Harrington	-	Aye	Pemberton	-	Aye
24	Heliker	-	Absent	Rebal	-	Aye
25	Holland	-	Absent	Reichert	-	Nay

STATE
PUBLISHING CO.
HELENA, MONT.
3

Robinson	-	Nay	Studer	-	Aye
Roeder	-	Nay	Sullivan	-	Aye
Rollins	-	Aye	Swanberg	-	Aye
Romney	-	Nay	Toole	-	Aye
Rygg	-	Aye	Van Buskirk	-	Aye
Scanlin	-	Aye	Vermillion	-	Aye
Schiltz	-	Aye	Wagner	-	Aye
Siderius	-	Aye	Ward	-	Nay
Simon	-	Aye	Warden	-	Nay
Skari	-	Aye	Wilson	-	Aye.
Sparks	-	Aye	Woodmansey	-	Aye
Speer	-	Nay	Mr. President	-	Aye

CLERK HANSON: Mr. President, sixty-nine Delegates voting Aye, twenty-five voting No.

PRESIDENT GRAYBILL: Very well, section three.

CLERK HANSON: (Reading) Section three, Election and Terms. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many Delegates as shall be in favor of section three will vote Aye, and opposed vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate that wants to change his vote?

(No response)

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: Please cast the ballot.

Aasheim	-	Aye	Champoux	-	Aye
Anderson, J.	-	Aye	Choate	-	Nay
Anderson, O.	-	Aye	Conover	-	Aye
Arbanas	-	Aye	Cross	-	Aye
Arness	-	Aye	Dahood	-	Absent
Aronow	-	Aye	Davis	-	Absent
Artz	-	Aye	Delaney	-	Aye
Ask	-	Aye	Driscoll	-	Aye
Babcock	-	Aye	Drum	-	Aye
Barnard	-	Aye	Eck	-	Aye
Bates	-	Aye	Erdmann	-	Aye
Belcher	-	Aye	Eskildsen	-	Aye
Berg	-	Aye	Etchart	-	Aye
Berthelson	-	Aye	Felt	-	Aye
Blaylock	-	Aye	Foster	-	Aye
Blend	-	Nay	Furlong	-	Excused
Bowman	-	Aye	Garlington	-	Aye
Brazier	-	Absent	Gysler	-	Aye
Brown	-	Aye	Habedank	-	Aye
Bugbee	-	Nay	Hanson, R. S.	-	Aye
Burkhardt	-	Aye	Hanson, R.	-	Aye
Cain	-	Aye	Harbaugh	-	Aye
Campbell	-	Aye	Harlow	-	Nay
Cate	-	Aye	Harper	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Harrington	-	Aye	Pemberton	-	Aye
2	Heliker	-	Absent	Rebal	-	Aye
3	Holland	-	Absent	Reichert	-	Aye
4	Jacobsen	-	Aye	Robinson	-	Aye
5	James	-	Aye	Roeder	-	Aye
6	Johnson	-	Aye	Rollins	-	Aye
7	Joyce	-	Aye	Romney	-	Aye
8	Kamhoot	-	Aye	Rygg	-	Aye
9	Kelleher	-	Nay	Scanlin	-	Aye
10	Leuthold	-	Aye	Schiltz	-	Aye
11	Loendorf	-	Aye	Siderius	-	Aye
12	Lorello	-	Aye	Simon	-	Aye
13	Mahoney	-	Aye	Skari	-	Aye
14	Mansfield	-	Aye	Sparks	-	Aye
15	Martin	-	Aye	Speer	-	Aye
16	McCarvel	-	Aye	Studer	-	Aye
17	McDonough	-	Aye	Sullivan	-	Aye
18	McKeon	-	Aye	Swanberg	-	Aye
19	McNeil	-	Aye	Toole	-	Aye
20	Melvin	-	Aye	Van Buskirk	-	Aye
21	Monroe	-	Aye	Vermillion	-	Aye
22	Murray	-	Aye	Wagner	-	Aye
23	Noble	-	Absent	Ward	-	Aye
24	Nutting	-	Aye	Warden	-	Nay
25	Payne	-	Aye	Wilson	-	Aye

STATE PUBLISHING CO. HELENA, MONT. 3

Woodmansey - Aye Mr. President - Aye

CLERK HANSON: Mr. President, eighty-seven Delegates voting Aye, six voting No.

PRESIDENT GRAYBILL: Very well, section four.

CLERK HANSON: (Reading) Section four, Qualifications. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many Delegates as are in favor of section four vote Aye on the voting machines and opposed, vote No. Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Have all Delegates voted?

(No response)

PRESIDENT GRAYBILL: We'll cast the ballot.

Mr. Champoux.

DELEGATE CHAMPOUX: I'd like to record that I made a mistake. I'd like to vote No on that, please. Sorry.

PRESIDENT GRAYBILL: Champoux votes No.

Aasheim - Aye	Ask - Aye		
Anderson, J. - Aye	Babcock - Aye		
Anderson, O. - Aye	Barnard - Nay		
Arbanas - Aye	Bates - Nay		
Arness - Aye	Belcher - Nay		
Aronow - Aye	Berg - Aye		
Artz - Aye	Berthelson - Aye		

STATE PUBLISHING CO. HELENA, MONT.

1	Blaylock	-	Nay	Furlong	-	Excused
2	Blend	-	Aye	Garlington	-	Aye
3	Bowman	-	Aye	Gysler	-	Aye
4	Brazier	-	Absent	Habedank	-	Aye
5	Brown	-	Aye	Hanson, R. S.	-	Aye
6	Bugbee	-	Nay	Hanson, R.	-	Aye
7	Burkhardt	-	Nay	Harbaugh	-	Aye
8	Cain	-	Nay	Harlow	-	Nay
9	Campbell	-	Aye	Harper	-	Aye
10	Cate	-	Aye	Harrington	-	Aye
11	Champoux	-	Nay	Heliker	-	Absent
12	Choate	-	Aye	Holland	-	Absent
13	Conover	-	Aye	Jacobsen	-	Aye
14	Cross	-	Aye	James	-	Aye
15	Dahood	-	Absent	Johnson	-	Aye
16	Davis	-	Absent	Joyce	-	Aye
17	Delaney	-	Aye	Kamhoot	-	Aye
18	Driscoll	-	Aye	Kelleher	-	Nay
19	Drum	-	Aye	Leuthold	-	Aye
20	Eck	-	Aye	Loendorf	-	Aye
21	Erdmann	-	Nay	Lorello	-	Nay
22	Eskildsen	-	Nay	Mahoney	-	Aye
23	Etchart	-	Aye	Mansfield	-	Nay
24	Felt	-	Aye	Martin	-	Aye
25	Foster	-	Aye	McCarvel	-	Aye

STATE PUBLISHING CO. HELENA, MONT. 3

McDonough	-	Aye	Schiltz	-	Aye
McKeon	-	Aye	Siderius	-	Aye
McNeil	-	Aye	Simon	-	Aye
Melvin	-	Aye	Skari	-	Aye
Monroe	-	Aye	Sparks	-	Aye
Murray	-	Aye	Speer	-	Aye
Noble	-	Absent	Studer	-	Aye
Nutting	-	Nay	Sullivan	-	Aye
Payne	-	Nay	Swanberg	-	Aye
Pemberton	-	Absent	Toole	-	Aye
Rebal	-	Aye	Van Buskirk	-	Aye
Reichert	-	Aye	Vermillion	-	Nay
Robinson	-	Aye	Wagner	-	Nay
Roeder	-	Aye	Ward	-	Aye
Rollins	-	Nay	Warden	-	Aye
Romney	-	Nay	Wilson	-	Aye
Rygg	-	Aye	Woodmansey	-	Aye
Scanlin	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, seventy-two Delegates voting Aye, twenty No.

PRESIDENT GRAYBILL: Very well. Now, ladies and gentlemen, we've gotten enough copies of the section -- or the Constitutional Revision article printed and we are going to have it passed among you by the Pages. I think we have enough for everybody on this so there isn't any problem. If

STATE PUBLISHING CO. HELENA, MONT.

the Pages care to pass that out now, that will be fine. That's what's coming around. We'll do that after we finish Legislative. Very well, section five.

CLERK HANSON: (Reading) Section five, Compensation. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Section five, consisting of two subsections. So many as are in favor, vote Aye on the voting machine, and opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot. Mr. Clerk, Graybill votes Aye.

DELEGATE BABCOCK: Babcock votes Aye.

PRESIDENT GRAYBILL: Babcock votes Aye.

Aasheim	-	Aye	Babcock	-	Aye
Anderson, J.	-	Aye	Barnard	-	Aye
Anderson, O.	-	Aye	Bates	-	Aye
Arbanas	-	Aye	Belcher	-	Aye
Arness	-	Aye	Berg	-	Aye
Aronow	-	Aye	Berthelson	-	Aye
Artz	-	Aye	Blaylock	-	Aye
Ask	-	Aye	Blend	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Bowman	-	Aye	Gysler	-	Nay
2	Brazier	-	Absent	Habedank	-	Aye
3	Brown	-	Aye	Hanson, R. S.	-	Aye
4	Bugbee	-	Nay	Hanson, R.	-	Aye
5	Burkhardt	-	Aye	Harbaugh	-	Aye
6	Cain	-	Absent	Harlow	-	Nay
7	Campbell	-	Aye	Harper	-	Aye
8	Cate	-	Aye	Harrington	-	Absent
9	Champoux	-	Aye	Heliker	-	Absent
10	Choate	-	Aye	Holland	-	Absent
11	Conover	-	Aye	Jacobsen	-	Aye
12	Cross	-	Aye	James	-	Aye
13	Dahood	-	Absent	Johnson	-	Aye
14	Davis	-	Aye	Joyce	-	Aye
15	Delaney	-	Aye	Kamhoot	-	Aye
16	Driscoll	-	Aye	Kelleher	-	Nay
17	Drum	-	Aye	Leuthold	-	Aye
18	Eck	-	Aye	Loendorf	-	Aye
19	Erdmann	-	Nay	Lorello	-	Aye
20	Eskildsen	-	Nay	Mahoney	-	Aye
21	Etchart	-	Aye	Mansfield	-	Aye
22	Felt	-	Aye	Martin	-	Aye
23	Foster	-	Aye	McCarvel	-	Aye
24	Furlong	-	Excused	McDonough	-	Aye
25	Garlington	-	Aye	McKeon	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

McNeil	-	Aye	Siderius	-	Aye
Melvin	-	Aye	Simon	-	Aye
Monroe	-	Aye	Skari	-	Aye
Murray	-	Aye	Sparks	-	Aye
Noble	-	Aye	Speer	-	Aye
Nutting	-	Nay	Studer	-	Aye
Payne	-	Aye	Sullivan	-	Aye
Pemberton	-	Absent	Swanberg	-	Aye
Rebal	-	Aye	Toole	-	Aye
Reichert	-	Aye	Van Buskirk	-	Aye
Robinson	-	Aye	Vermillion	-	Aye
Roeder	-	Aye	Wagner	-	Aye
Rollins	-	Nay	Ward	-	Nay
Romney	-	Nay	Warden	-	Aye
Rygg	-	Aye	Wilson	-	Aye
Scanlin	-	Aye	Woodmansey	-	Absent
Schiltz	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-one Delegates voting Aye, ten voting No.

PRESIDENT GRAYBILL: Very well, section six on page two.

CLERK HANSON: (Reading) Section six, Sessions. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall favor section

STATE PUBLISHING CO. HELENA, MONT.

six, vote Aye on the voting machines, and opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, close the ballot.

Aasheim	-	Aye	Brown	-	Aye
Anderson, J.	-	Aye	Bugbee	-	Nay
Anderson, O.	-	Aye	Burkhardt	-	Aye
Arbanas	-	Aye	Cain	-	Aye
Arness	-	Aye	Campbell	-	Aye
Aronow	-	Aye	Cate	-	Absent
Artz	-	Aye	Champoux	-	Aye
Ask	-	Nay	Choate	-	Aye
Babcock	-	Aye	Conover	-	Aye
Barnard	-	Aye	Cross	-	Aye
Bates	-	Nay	Dahood	-	Absent
Belcher	-	Nay	Davis	-	Aye
Berg	-	Aye	Delaney	-	Aye
Berthelson	-	Aye	Driscoll	-	Aye
Blaylock	-	Aye	Drum	-	Aye
Blend	-	Nay	Eck	-	Aye
Bowman	-	Aye	Erdmann	-	Aye
Brazier	-	Nay	Eskildsen	-	Nay

STATE PUBLISHING CO. HELENA, MONT.

1	Etchart	-	Aye	Mansfield	- Aye
2	Felt	-	Aye	Martin	- Aye
3	Foster	-	Aye	McCarvel	- Aye
4	Furlong	-	Excused	McDonough	- Aye
5	Garlington	-	Aye	McKeon	- Aye
6	Gysler	-	Nay	McNeil	- Nay
7	Habedank	-	Aye	Melvin	- Aye
8	Hanson, R. S.	-	Nay	Monroe	- Aye
9	Hanson, R.	-	Aye	Murray	- Aye
10	Harbaugh	-	Aye	Noble	- Aye
11	Harlow	-	Nay	Nutting	- Nay
12	Harper	-	Aye	Payne	- Aye
13	Harrington	-	Absent	Pemberton	- Absent
14	Heliker	-	Absent	Rebal	- Absent
15	Holland	-	Absent	Reichert	- Aye
16	Jacobsen	-	Aye	Robinson	- Aye
17	James	-	Aye	Roeder	- Aye
18	Johnson	-	Nay	Rollins	- Aye
19	Joyce	-	Aye	Romney	- Aye
20	Kamhoot	-	Nay	Rygg	- Nay
21	Kelleher	-	Nay	Scanlin	- Aye
22	Leuthold	-	Aye	Schiltz	- Aye
23	Loendorf	-	Aye	Siderius	- Aye
24	Lorello	-	Aye	Simon	- Aye
25	Mahoney	-	Aye	Skari	- Aye

STATE PUBLISHING CO. HELENA, MONT.

Sparks	-	Aye	Vermillion	-	Aye
Speer	-	Aye	Wagner	-	Aye
Studer	-	Aye	Ward	-	Nay
Sullivan	-	Aye	Warden	-	Aye
Swanberg	-	Aye	Wilson	-	Aye
Toole	-	Absent	Woodmansey	-	Aye
Van Buskirk	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, seventy-four Delegates voting Aye, seventeen voting No.

PRESIDENT GRAYBILL: Very well, section seven.

CLERK HANSON: (Reading) Section seven, Vacancies. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall favor section seven, Vacancies, on page two, vote Aye on the voting machines; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Arness	-	Aye
Anderson, J.	-	Aye	Aronow	-	Aye
Anderson, O.	-	Aye	Artz	-	Aye
Arbanas	-	Aye	Ask	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Babcock	-	Nay	Eck	-	Aye
2	Barnard	-	Aye	Erdmann	-	Aye
3	Bates	-	Nay	Eskildsen	-	Aye
4	Belcher	-	Aye	Etchart	-	Aye
5	Berg	-	Aye	Felt	-	Aye
6	Berthelson	-	Absent	Foster	-	Aye
7	Blaylock	-	Nay	Furlong	-	Excused
8	Blend	-	Absent	Garlington	-	Aye
9	Bowman	-	Aye	Gysler	-	Aye
10	Brazier	-	Aye	Habedank	-	Nay
11	Brown	-	Aye	Hanson, R. S.	-	Nay
12	Bugbee	-	Nay	Hanson, R.	-	Aye
13	Burkhardt	-	Aye	Harbaugh	-	Nay
14	Cain	-	Aye	Harlow	-	Nay
15	Campbell	-	Aye	Harper	-	Aye
16	Cate	-	Aye	Harrington	-	Aye
17	Champoux	-	Aye	Heliker	-	Absent
18	Choate	-	Aye	Holland	-	Absent
19	Conover	-	Aye	Jacobsen	-	Aye
20	Cross	-	Aye	James	-	Aye
21	Dahood	-	Absent	Johnson	-	Aye
22	Davis	-	Aye	Joyce	-	Aye
23	Delaney	-	Aye	Kamhoot	-	Aye
24	Driscoll	-	Aye	Kelleher	-	Nay
25	Drum	-	Aye	Leuthold	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Loendorf	-	Aye	Romney	-	Nay
Lorello	-	Aye	Rygg	-	Nay
Mahoney	-	Aye	Scanlin	-	Aye
Mansfield	-	Aye	Schiltz	-	Aye
Martin	-	Aye	Siderius	-	Aye
McCarvel	-	Aye	Simon	-	Aye
McDonough	-	Aye	Skari	-	Aye
McKeon	-	Aye	Sparks	-	Aye
McNeil	-	Aye	Speer	-	Aye
Melvin	-	Aye	Studer	-	Aye
Monroe	-	Aye	Sullivan	-	Aye
Murray	-	Aye	Swanberg	-	Aye
Noble	-	Absent	Toole	-	Aye
Nutting	-	Nay	Van Buskirk	-	Aye
Payne	-	Aye	Vermillion	-	Aye
Pemberton	-	Absent	Wagner	-	Aye
Rebal	-	Aye	Ward	-	Nay
Reichert	-	Aye	Warden	-	Absent
Robinson	-	Aye	Wilson	-	Absent
Roeder	-	Aye	Woodmansey	-	Aye
Rollins	-	Absent	Mr. President	-	Aye

CLERK HANSON: Mr. President, seventy-six voting Aye, thirteen voting No.

PRESIDENT GRAYBILL: Very well, section eight.

CLERK HANSON: (Reading) Section eight, Immunity.

STATE PUBLISHING CO. HELENA, MONT.

(End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as are in favor of section eight vote Aye; opposed, No. Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Bowman	-	Aye
Anderson, J.	-	Aye	Brazier	-	Aye
Anderson, O.	-	Aye	Brown	-	Aye
Arbanas	-	Aye	Bugbee	-	Nay
Arness	-	Aye	Burkhardt	-	Aye
Aronow	-	Aye	Cain	-	Aye
Artz	-	Aye	Campbell	-	Aye
Ask	-	Aye	Cate	-	Aye
Babcock	-	Aye	Champoux	-	Aye
Barnard	-	Aye	Choate	-	Aye
Bates	-	Aye	Conover	-	Aye
Belcher	-	Aye	Cross	-	Aye
Berg	-	Aye	Dahood	-	Absent
Berthelson	-	Aye	Davis	-	Aye
Blaylock	-	Aye	Delaney	-	Aye
Blend	-	Aye	Driscoll	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Drum	-	Aye	Leuthold	-	Aye
2	Eck	-	Absent	Loendorf	-	Aye
3	Erdmann	-	Aye	Lorello	-	Aye
4	Eskildsen	-	Aye	Mahoney	-	Aye
5	Etchart	-	Aye	Mansfield	-	Aye
6	Felt	-	Absent	Martin	-	Aye
7	Foster	-	Aye	McCarvel	-	Aye
8	Furlong	-	Excused	McDonough	-	Aye
9	Garlington	-	Aye	McKeon	-	Aye
10	Gysler	-	Aye	McNeil	-	Aye
11	Habedank	-	Aye	Melvin	-	Aye
12	Hanson, R. S.	-	Aye	Monroe	-	Aye
13	Hanson, R.	-	Aye	Murray	-	Aye
14	Harbaugh	-	Aye	Noble	-	Aye
15	Harlow	-	Nay	Nutting	-	Aye
16	Harper	-	Aye	Payne	-	Aye
17	Harrington	-	Aye	Pemberton	-	Absent
18	Heliker	-	Absent	Rebal	-	Aye
19	Holland	-	Absent	Reichert	-	Aye
20	Jacobsen	-	Aye	Robinson	-	Aye
21	James	-	Aye	Roeder	-	Aye
22	Johnson	-	Aye	Rollins	-	Aye
23	Joyce	-	Aye	Romney	-	Aye
24	Kamhoot	-	Aye	Rygg	-	Aye
25	Kelleher	-	Nay	Scanlin	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Schiltz	-	Aye	Toole	-	Aye
Siderius	-	Aye	Van Buskirk	-	Aye
Simon	-	Aye	Vermillion	-	Aye
Skari	-	Aye	Wagner	-	Aye
Sparks	-	Aye	Ward	-	Aye
Speer	-	Aye	Warden	-	Nay
Studer	-	Aye	Wilson	-	Aye
Sullivan	-	Aye	Woodmansey	-	Aye
Swanberg	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-nine Delegates voting Aye, four voting No.

PRESIDENT GRAYBILL: Very well, section nine.

CLERK HANSON: (Reading) Section nine, Disqualification. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section nine, vote Aye, and opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Nay	Anderson, O.	-	Aye
Anderson, J.	-	Aye	Arbanas	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Arness	-	Aye	Davis	-	Aye
2	Aronow	-	Aye	Delaney	-	Aye
3	Artz	-	Aye	Driscoll	-	Aye
4	Ask	-	Nay	Drum	-	Aye
5	Babcock	-	Aye	Eck	-	Aye
6	Barnard	-	Absent	Erdmann	-	Aye
7	Bates	-	Aye	Eskildsen	-	Aye
8	Belcher	-	Aye	Etchart	-	Aye
9	Berg	-	Aye	Felt	-	Aye
10	Berthelson	-	Aye	Foster	-	Aye
11	Blaylock	-	Aye	Furlong	-	Excused
12	Blend	-	Aye	Garlington	-	Aye
13	Bowman	-	Nay	Gysler	-	Aye
14	Brazier	-	Nay	Habedank	-	Aye
15	Brown	-	Nay	Hanson, R. S.	-	Aye
16	Bugbee	-	Nay	Hanson, R.	-	Aye
17	Burkhardt	-	Aye	Harbaugh	-	Aye
18	Cain	-	Aye	Harlow	-	Nay
19	Campbell	-	Aye	Harper	-	Absent
20	Cate	-	Nay	Harrington	-	Absent
21	Champoux	-	Aye	Heliker	-	Absent
22	Choate	-	Aye	Holland	-	Absent
23	Conover	-	Aye	Jacobsen	-	Aye
24	Cross	-	Aye	James	-	Aye
25	Dahood	-	Absent	Johnson	-	Aye

STATE PUBLISHING CO. HELENA, MONT. 3

Joyce	-	Nay	Roeder	-	Aye
Kamhoot	-	Nay	Rollins	-	Nay
Kelleher	-	Nay	Romney	-	Nay
Leuthold	-	Aye	Rygg	-	Nay
Loendorf	-	Aye	Scanlin	-	Aye
Lorello	-	Aye	Schiltz	-	Aye
Mahoney	-	Aye	Siderius	-	Aye
Mansfield	-	Aye	Simon	-	Aye
Martin	-	Aye	Skari	-	Nay
McCarvel	-	Aye	Sparks	-	Aye
McDonough	-	Aye	Speer	-	Aye
McKeon	-	Aye	Studer	-	Aye
McNeil	-	Aye	Sullivan	-	Aye
Melvin	-	Aye	Swanberg	-	Aye
Monroe	-	Aye	Toole	-	Aye
Murray	-	Aye	Van Buskirk	-	Aye
Noble	-	Aye	Vermillion	-	Aye
Nutting	-	Aye	Wagner	-	Aye
Payne	-	Aye	Ward	-	Aye
Pemberton	-	Absent	Warden	-	Aye
Rebal	-	Aye	Wilson	-	Aye
Reichert	-	Aye	Woodmansey	-	Aye
Robinson	-	Nay	Mr. President	-	Aye

CLERK HANSON: Mr. President, seventy-six voting Aye, sixteen voting No.

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: Very well, section ten, consisting of five subsections.

CLERK HANSON: (Reading) Section ten, Organization and Procedure. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section ten vote Aye, opposed No. Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: All the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Berthelson	-	Aye
Anderson, J.	-	Aye	Blaylock	-	Aye
Anderson, O.	-	Aye	Blend	-	Aye
Arbanas	-	Aye	Bowman	-	Aye
Arness	-	Aye	Brazier	-	Aye
Aronow	-	Aye	Brown	-	Aye
Artz	-	Aye	Bugbee	-	Nay
Ask	-	Aye	Burkhardt	-	Aye
Babcock	-	Aye	Cain	-	Aye
Barnard	-	Aye	Campbell	-	Aye
Bates	-	Aye	Cate	-	Aye
Belcher	-	Aye	Champoux	-	Aye
Berg	-	Nay	Choate	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Conover	-	Aye	Jacobsen	-	Aye
2	Cross	-	Aye	James	-	Aye
3	Dahood	-	Absent	Johnson	-	Aye
4	Davis	-	Aye	Joyce	-	Aye
5	Delaney	-	Aye	Kemhoot	-	Nay
6	Driscoll	-	Aye	Kelleher	-	Nay
7	Drum	-	Aye	Leuthold	-	Aye
8	Eck	-	Aye	Loendorf	-	Aye
9	Erdmann	-	Aye	Lorello	-	Aye
10	Eskildsen	-	Nay	Mahoney	-	Aye
11	Etchart	-	Aye	Mansfield	-	Aye
12	Felt	-	Aye	Martin	-	Aye
13	Foster	-	Aye	McCarvel	-	Aye
14	Furlong	-	Excused	McDonough	-	Aye
15	Garlington	-	Aye	McKeon	-	Aye
16	Gysler	-	Nay	McNeil	-	Aye
17	Habedank	-	Aye	Melvin	-	Aye
18	Hanson, R. S.	-	Aye	Monroe	-	Aye
19	Hanson, R.	-	Aye	Murray	-	Aye
20	Harbaugh	-	Absent	Noble	-	Aye
21	Harlow	-	Nay	Nutting	-	Aye
22	Harper	-	Aye	Payne	-	Aye
23	Harrington	-	Aye	Pemberton	-	Absent
24	Heliker	-	Absent	Rebal	-	Aye
25	Holland	-	Absent	Reichert	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Robinson	-	Aye	Studer	-	Aye
Roeder	-	Aye	Sullivan	-	Aye
Rollins	-	Aye	Swanberg	-	Aye
Romney	-	Aye	Toole	-	Aye
Rygg	-	Aye	Van Buskirk	-	Aye
Scanlin	-	Aye	Vermillion	-	Aye
Schiltz	-	Aye	Wagner	-	Aye
Siderius	-	Aye	Ward	-	Nay
Simon	-	Aye	Warden	-	Aye
Skari	-	Aye	Wilson	-	Aye
Sparks	-	Nay	Woodmansey	-	Aye
Speer	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-five voting Aye, nine voting No.

PRESIDENT GRAYBILL: Very well, section eleven.

CLERK HANSON: (Reading) Section eleven, Bills. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Section eleven consists of six subsections on page three and four. All in favor of section eleven vote Aye, opposed No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate want to change his vote?

(No response)

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Champoux	-	Aye
Anderson, J.	-	Aye	Choate	-	Aye
Anderson, O.	-	Aye	Conover	-	Aye
Arbanas	-	Aye	Cross	-	Aye
Arness	-	Nay	Dahood	-	Absent
Aronow	-	Aye	Davis	-	Aye
Artz	-	Aye	Delaney	-	Aye
Ask	-	Aye	Driscoll	-	Aye
Babcock	-	Aye	Drum	-	Aye
Barnard	-	Aye	Eck	-	Aye
Bates	-	Aye	Erdmann	-	Aye
Belcher	-	Aye	Eskildsen	-	Nay
Berg	-	Aye	Etchart	-	Aye
Berthelson	-	Aye	Felt	-	Nay
Blaylock	-	Aye	Foster	-	Nay
Blenc	-	Aye	Furlong	-	Excused
Bowman	-	Nay	Garlington	-	Aye
Brazier	-	Nay	Gysler	-	Nay
Brown	-	Nay	Habedank	-	Aye
Bugbee	-	Nay	Hanson, R. S.	-	Aye
Burkhardt	-	Aye	Hanson, R.	-	Aye
Cain	-	Aye	Harbaugh	-	Aye
Campbell	-	Aye	Harlow	-	Nay
Cate	-	Aye	Harper	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Harrington	-	Aye	Pemberton	-	Absent
Heliker	-	Absent	Rebal	-	Aye
Holland	-	Absent	Reichert	-	Nay
Jacobsen	-	Aye	Robinson	-	Nay
James	-	Aye	Roeder	-	Nay
Johnson	-	Aye	Rollins	-	Nay
Joyce	-	Aye	Romney	-	Aye
Kamhoot	-	Aye	Rygg	-	Aye
Kelleher	-	Nay	Scanlin	-	Aye
Leuthold	-	Aye	Schiltz	-	Aye
Loendorf	-	Aye	Siderius	-	Aye
Lorello	-	Nay	Simon	-	Aye
Mahoney	-	Aye	Skari	-	Aye
Mansfield	-	Aye	Sparks	-	Nay
Martin	-	Aye	Speer	-	Aye
McCarvel	-	Nay	Studer	-	Nay
McDonough	-	Nay	Sullivan	-	Nay
McKeon	-	Nay	Swanberg	-	Aye
McNeil	-	Aye	Toole	-	Aye
Melvin	-	Aye	Van Buskirk	-	Aye
Monroe	-	Aye	Vermillion	-	Aye
Murray	-	Aye	Wagner	-	Nay
Noble	-	Aye	Ward	-	Nay
Nutting	-	Aye	Warden	-	Aye
Payne	-	Aye	Wilson	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Woodmansey - Aye Mr. President - Aye

CLERK HANSON: Mr. President, seventy-one voting Aye, twenty four voting No.

PRESIDENT GRAYBILL: Very well, section twelve.

CLERK HANSON: (Reading) Section twelve, Local and Special Legislation. (End reading)

Mr. President.

PRESIDENT GRAYBILL: As many as are in favor of section twelve, vote Aye; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim - Aye	Bates - Aye
Anderson, J. - Aye	Belcher - Aye
Anderson, O. - Aye	Berg - Aye
Arbanas - Aye	Berthelson - Aye
Arness - Aye	Blaylock - Aye
Aronow - Aye	Blend - Aye
Artz - Aye	Bowman - Aye
Ask - Aye	Brazier - Aye
Babcock - Aye	Brown - Aye
Barnard - Aye	Bugbee - Nay

STATE PUBLISHING CO. HELENA, MONT.

1	Burkhardt	-	Aye	Harbaugh	-	Aye
2	Cain	-	Aye	Harlow	-	Nay
3	Campbell	-	Aye	Harper	-	Aye
4	Cate	-	Aye	Harrington	-	Aye
5	Champoux	-	Aye	Heliker	-	Absent
6	Choate	-	Aye	Holland	-	Absent
7	Conover	-	Aye	Jacobsen	-	Aye
8	Cross	-	Aye	James	-	Aye
9	Dahood	-	Absent	Johnson	-	Aye
10	Davis	-	Aye	Joyce	-	Aye
11	Delaney	-	Aye	Kamhoot	-	Aye
12	Driscoll	-	Aye	Kelleher	-	Nay
13	Drum	-	Aye	Leuthold	-	Aye
14	Eck	-	Aye	Loendorf	-	Aye
15	Erdmann	-	Aye	Lorello	-	Aye
16	Eskildsen	-	Aye	Mahoney	-	Aye
17	Etchart	-	Aye	Mansfield	-	Aye
18	Felt	-	Aye	Martin	-	Aye
19	Foster	-	Aye	McCarvel	-	Aye
20	Furlong	-	Excused	McDonough	-	Aye
21	Garlington	-	Aye	McKeon	-	Aye
22	Gysler	-	Aye	McNeil	-	Aye
23	Habedank	-	Aye	Melvin	-	Aye
24	Hanson, R. S.	-	Aye	Monroe	-	Aye
25	Hanson, R.	-	Aye	Murray	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Noble	-	Aye	Skari	-	Aye
Nutting	-	Aye	Sparks	-	Aye
Payne	-	Aye	Speer	-	Aye
Pemberton	-	Absent	Studer	-	Aye
Rebal	-	Aye	Sullivan	-	Aye
Reichert	-	Aye	Swanberg	-	Aye
Robinson	-	Aye	Toole	-	Aye
Roeder	-	Aye	Van Buskirk	-	Aye
Rollins	-	Aye	Vermillion	-	Aye
Romney	-	Aye	Wagner	-	Aye
Rygg	-	Nay	Ward	-	Aye
Scanlin	-	Aye	Warden	-	Aye
Schiltz	-	Aye	Wilson	-	Aye
Siderius	-	Aye	Woodmansey	-	Aye
Simon	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, ninety-one voting Aye, four voting No.

PRESIDENT GRAYBILL: Very well, section thirteen.

CLERK HANSON: (Reading) Section thirteen, Impeachment. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Section thirteen with four subsections. So many in favor vote Aye, so many opposed vote No. Have all the Delegates voted?

(No response)

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: Any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Cain	-	Aye
Anderson, J.	-	Aye	Campbell	-	Aye
Anderson, O.	-	Aye	Cate	-	Nay
Arbanas	-	Aye	Champoux	-	Aye
Arness	-	Aye	Choate	-	Aye
Aronow	-	Aye	Conover	-	Aye
Artz	-	Aye	Cross	-	Aye
Ask	-	Aye	Dahood	-	Absent
Babcock	-	Aye	Davis	-	Aye
Barnard	-	Aye	Delaney	-	Aye
Bates	-	Aye	Driscoll	-	Aye
Belcher	-	Aye	Drum	-	Aye
Berg	-	Aye	Eck	-	Aye
Berthelson	-	Nay	Erdmann	-	Aye
Blaylock	-	Aye	Eskildsen	-	Aye
Blend	-	Aye	Etchart	-	Aye
Bowman	-	Nay	Felt	-	Aye
Brazier	-	Aye	Foster	-	Aye
Brown	-	Aye	Furlong	-	Excused
Bugbee	-	Nay	Garlington	-	Aye
Burkhardt	-	Aye	Gysler	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Habedank	-	Aye	Melvin	-	Aye
2	Hanson, R. S.	-	Aye	Monroe	-	Aye
3	Hanson, R.	-	Aye	Murray	-	Aye
4	Harbaugh	-	Aye	Noble	-	Aye
5	Harlow	-	Nay	Nutting	-	Aye
6	Harper	-	Aye	Payne	-	Aye
7	Harrington	-	Aye	Pemberton	-	Absent
8	Heliker	-	Aye	Rebal	-	Aye
9	Holland	-	Absent	Reichert	-	Aye
10	Jacobsen	-	Aye	Robinson	-	Aye
11	James	-	Aye	Roeder	-	Aye
12	Johnson	-	Aye	Rollins	-	Aye
13	Joyce	-	Aye	Romney	-	Aye
14	Kamhoot	-	Aye	Rygg	-	Aye
15	Kelleher	-	Nay	Scanlin	-	Aye
16	Leuthold	-	Aye	Schiltz	-	Aye
17	Loendorf	-	Aye	Siderius	-	Aye
18	Lorello	-	Aye	Simon	-	Aye
19	Mahoney	-	Aye	Skari	-	Aye
20	Mansfield	-	Aye	Sparks	-	Aye
21	Martin	-	Aye	Speer	-	Aye
22	McCarvel	-	Aye	Studer	-	Aye
23	McDonough	-	Aye	Sullivan	-	Aye
24	McKeon	-	Aye	Swanberg	-	Aye
25	McNeil	-	Aye	Toole	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Van Buskirk	-	Aye	Warden	-	Aye
Vermillion	-	Aye	Wilson	-	Aye
Wagner	-	Aye	Woodmansey	-	Aye
Ward	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, ninety Delegates voting Aye, six voting No.

PRESIDENT GRAYBILL: Very well, section fourteen.

CLERK HANSON: (Reading) Section fourteen, Districting and Apportionment. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Section fourteen, consisting of three subsections. All in favor vote Aye on the voting machines; all opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Ask	-	Aye
Anderson, J.	-	Aye	Babcock	-	Aye
Anderson, O.	-	Aye	Barnard	-	Aye
Arbanas	-	Aye	Bates	-	Aye
Arness	-	Aye	Belcher	-	Nay
Aronow	-	Aye	Berg	-	Aye
Artz	-	Aye	Berthelson	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Blaylock	-	Aye	Furlong	-	Excused
2	Blend	-	Aye	Garlington	-	Aye
3	Bowman	-	Aye	Gysler	-	Aye
4	Brazier	-	Aye	Habedank	-	Aye
5	Brown	-	Aye	Hanson, R. S.	-	Aye
6	Bugbee	-	Nay	Hanson, R.	-	Aye
7	Burkhardt	-	Aye	Harbaugh	-	Nay
8	Cain	-	Aye	Harlow	-	Nay
9	Campbell	-	Aye	Harper	-	Aye
10	Cate	-	Aye	Harrington	-	Nay
11	Champoux	-	Aye	Heliker	-	Aye
12	Choate	-	Nay	Holland	-	Absent
13	Conover	-	Aye	Jacobsen	-	Aye
14	Cross	-	Aye	James	-	Aye
15	Dahood	-	Absent	Johnson	-	Aye
16	Davis	-	Aye	Joyce	-	Aye
17	Delaney	-	Aye	Kamhoot	-	Aye
18	Driscoll	-	Aye	Kelleher	-	Nay
19	Drum	-	Aye	Leuthold	-	Aye
20	Eck	-	Aye	Loendorf	-	Aye
21	Erdmann	-	Aye	Lorello	-	Aye
22	Eskildsen	-	Aye	Mahoney	-	Nay
23	Etchart	-	Aye	Mansfield	-	Aye
24	Felt	-	Aye	Martin	-	Aye
25	Foster	-	Aye	McCarvel	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

McDonough	-	Aye		Schiltz	-	Aye	
McKeon	-	Aye		Siderius	-	Aye	
McNeil	-	Nay		Simon	-	Aye	
Melvin	-	Aye		Skari	-	Aye	
Monroe	-	Aye		Sparks	-	Aye	
Murray	-	Aye		Speer	-	Aye	
Noble	-	Aye		Studer	-	Nay	
Nutting	-	Nay		Sullivan	-	Aye	
Payne	-	Aye		Swanberg	-	Aye	
Pemberton	-	Absent		Toole	-	Aye	
Rebal	-	Aye		Van Buskirk	-	Aye	
Reichert	-	Aye		Vermillion	-	Aye	
Robinson	-	Aye		Wagner	-	Nay	
Roeder	-	Aye		Ward	-	Nay	
Rollins	-	Nay		Warden	-	Nay	
Romney	-	Nay		Wilson	-	Aye	
Rygg	-	Nay		Woodmansey	-	Aye	
Scanlin	-	Aye		Mr. President	-	Aye	

CLERK HANSON: Mr. President, seventy-nine voting Aye, seventeen voting No.

PRESIDENT GRAYBILL: Very well, section fifteen.

CLERK HANSON: (Reading) Section fifteen, Prohibited Payments. (End reading)

Mr. President.

PRESIDENT GRAYBILL: It's on page six. So many in

STATE PUBLISHING CO. HELENA, MONT.

favor vote Aye, so many as opposed vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Brown	-	Aye
Anderson, J.	-	Aye	Bugbee	-	Nay
Anderson, O.	-	Aye	Burkhardt	-	Aye
Arbanas	-	Aye	Cain	-	Aye
Arness	-	Aye	Campbell	-	Aye
Aronow	-	Aye	Cate	-	Aye
Artz	-	Aye	Champoux	-	Aye
Ask	-	Aye	Choate	-	Aye
Babcock	-	Aye	Conover	-	Aye
Barnard	-	Aye	Cross	-	Aye
Bates	-	Aye	Dahood	-	Absent
Belcher	-	Aye	Davis	-	Aye
Berg	-	Aye	Delaney	-	Aye
Berthelson	-	Aye	Driscoll	-	Aye
Blaylock	-	Aye	Drum	-	Aye
Blend	-	Aye	Eck	-	Aye
Bowman	-	Aye	Erdmann	-	Aye
Brazier	-	Aye	Eskildsen	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Etchart	-	Aye	Mansfield	-	Aye
2	Felt	-	Aye	Martin	-	Aye
3	Foster	-	Aye	McCarvel	-	Aye
4	Furlong	-	Excused	McDonough	-	Aye
5	Garlington	-	Aye	McKeon	-	Aye
6	Gysler	-	Aye	McNeil	-	Nay
7	Habedank	-	Aye	Melvin	-	Aye
8	Hanson, R. S.	-	Aye	Monroe	-	Aye
9	Hanson, R.	-	Aye	Murray	-	Aye
10	Harbaugh	-	Aye	Noble	-	Aye
11	Harlow	-	Nay	Nutting	-	Aye
12	Harper	-	Aye	Payne	-	Aye
13	Harrington	-	Nay	Pemberton	-	Absent
14	Heliker	-	Aye	Rebal	-	Aye
15	Holland	-	Absent	Reichert	-	Aye
16	Jacobsen	-	Aye	Robinson	-	Nay
17	James	-	Aye	Roeder	-	Aye
18	Johnson	-	Aye	Rollins	-	Aye
19	Joyce	-	Aye	Romney	-	Aye
20	Kamhoot	-	Aye	Rygg	-	Aye
21	Kelleher	-	Nay	Scanlin	-	Aye
22	Leuthold	-	Aye	Schiltz	-	Aye
23	Loendorf	-	Nay	Siderius	-	Aye
24	Lorello	-	Aye	Simon	-	Aye
25	Mahoney	-	Aye	Skari	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Sparks	-	Aye	Vermillion	-	Aye
Speer	-	Aye	Wagner	-	Aye
Studer	-	Aye	Ward	-	Aye
Sullivan	-	Aye	Warden	-	Aye
Swanberg	-	Aye	Wilson	-	Aye
Toole	-	Aye	Woodmansey	-	Aye
Van Buskirk	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-nine voting Aye, seven voting No.

PRESIDENT GRAYBILL: Section sixteen.

CLERK HANSON: (Reading) Section sixteen, Code of Ethics. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section sixteen, vote Aye; opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Mr. Kelleher.

DELEGATE KELLEHER: Mr. Chairman, I think I had better explain that last vote. I'm not against ethics. I'm just against the bicameral system.

STATE PUBLISHING CO. HELENA, MONT.

1	Aasheim	-	Aye	Choate	-	Aye
2	Anderson, J.	-	Aye	Conover	-	Aye
3	Anderson, O.	-	Aye	Cross	-	Aye
4	Arbanas	-	Aye	Dahood	-	Absent
5	Arness	-	Aye	Davis	-	Aye
6	Aronow	-	Aye	Delaney	-	Aye
7	Artz	-	Aye	Driscoll	-	Aye
8	Ask	-	Aye	Drum	-	Absent
9	Babcock	-	Aye	Eck	-	Aye
10	Barnard	-	Aye	Erdmann	-	Aye
11	Bates	-	Aye	Eskildsen	-	Aye
12	Belcher	-	Aye	Etchart	-	Aye
13	Berg	-	Aye	Felt	-	Aye
14	Berthelson	-	Aye	Foster	-	Aye
15	Blaylock	-	Aye	Furlong	-	Excused
16	Blend	-	Aye	Garlington	-	Aye
17	Bowman	-	Aye	Gysler	-	Aye
18	Brazier	-	Aye	Habedank	-	Aye
19	Brown	-	Aye	Hanson, R. S.	-	Aye
20	Bugbee	-	Nay	Hanson, R.	-	Aye
21	Burkhardt	-	Aye	Harbaugh	-	Aye
22	Cain	-	Aye	Harlow	-	Nay
23	Campbell	-	Aye	Harper	-	Aye
24	Cate	-	Aye	Harrington	-	Aye
25	Champoux	-	Aye	Heliker	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

1	Holland	-	Absent	Reichert	-	Aye
2	Jacobsen	-	Aye	Robinson	-	Aye
3	James	-	Aye	Roeder	-	Aye
4	Johnson	-	Aye	Rollins	-	Nay
5	Joyce	-	Aye	Romney	-	Aye
6	Kamhoot	-	Aye	Rygg	-	Aye
7	Kelleher	-	Nay	Scanlin	-	Aye
8	Leuthold	-	Aye	Schiltz	-	Aye
9	Loendorf	-	Aye	Siderius	-	Aye
10	Lorello	-	Aye	Simon	-	Aye
11	Mahoney	-	Aye	Skari	-	Aye
12	Mansfield	-	Aye	Sparks	-	Aye
13	Martin	-	Aye	Speer	-	Aye
14	McCarvel	-	Aye	Studer	-	Aye
15	McDonough	-	Aye	Sullivan	-	Aye
16	McKeon	-	Aye	Swanberg	-	Aye
17	McNeil	-	Aye	Toole	-	Aye
18	Melvin	-	Aye	Van Buskirk	-	Aye
19	Monroe	-	Aye	Vermillion	-	Aye
20	Murray	-	Aye	Wagner	-	Aye
21	Noble	-	Aye	Ward	-	Aye
22	Nutting	-	Aye	Warden	-	Aye
23	Payne	-	Absent	Wilson	-	Aye
24	Pemberton	-	Absent	Woodmansey	-	Aye
25	Rebal	-	Aye	Mr. President	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

CLERK HANSON: Mr. President, ninety Delegates voting Aye, four Delegates voting No.

PRESIDENT GRAYBILL: Very well. By your vote you have adopted every article of both the unicameral and bicameral sections of the Legislative article and the Chair will refer it back to Style and Drafting. Now, if the Chair may be permitted an observation, I am really at somewhat of a loss. This is serious business. We do want to record your vote. I'm at a little bit of a loss to know why people don't vote the same on identical sections two times in a row. So, you might think about that. I mean, many of you -- hardly any of these votes come out the same, even though the sections are identical. There are only a few different sections. So, I don't know what you're trying to do but some of you are on record on both sides of these issues which seems to me to be a little bit inconsistent of you. Now, we'll take up number two. Very well, does everyone now have their Constitutional Revision Order of Business Number Five, number two, before them?

(No response)

PRESIDENT GRAYBILL: Now, last time we took the vote on section one but -- and it was ninety-four to nothing -- but I'll take it over again so that everyone -- because some of you may have been confused as to which article you were working from last time. We are talking about the Constitutional Revision article on General Government; it's numbered Roman

STATE PUBLISHING CO. HELENA, MONT.

two and it's under Order of Business Number Five. Mr. Clerk, Constitutional Revision, section one.

CLERK HANSON: (Reading) Section one, Constitutional Convention. (End reading)

PRESIDENT GRAYBILL: Very well, so many as shall be in favor of section one, Constitutional Convention, of General Government's number two, please vote Aye on the voting machine, and opposed vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Seven Delegates have not voted. Does any Delegate wish to vote or change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, we'll cast the ballot.

Aasheim	-	Aye	Belcher	-	Aye
Anderson, J.	-	Aye	Berg	-	Aye
Anderson, O.	-	Aye	Berthelson	-	Aye
Arbanas	-	Aye	Blaylock	-	Aye
Arness	-	Aye	Blend	-	Aye
Aronow	-	Aye	Bowman	-	Aye
Artz	-	Aye	Brazier	-	Aye
Ask	-	Aye	Brown	-	Aye
Babcock	-	Aye	Bugbee	-	Aye
Barnard	-	Aye	Burkhardt	-	Aye
Bates	-	Aye	Cain	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Campbell	-	Aye	Harper	-	Absent
2	Cate	-	Aye	Harrington	-	Aye
3	Champoux	-	Aye	Heliker	-	Aye
4	Choate	-	Aye	Holland	-	Absent
5	Conover	-	Aye	Jacobsen	-	Aye
6	Cross	-	Aye	James	-	Aye
7	Dahood	-	Absent	Johnson	-	Aye
8	Davis	-	Aye	Joyce	-	Aye
9	Delaney	-	Aye	Kamhoot	-	Aye
10	Driscoll	-	Aye	Kelleher	-	Aye
11	Drum	-	Absent	Leuthold	-	Aye
12	Eck	-	Aye	Loendorf	-	Aye
13	Erdmann	-	Aye	Lorello	-	Aye
14	Eskildsen	-	Aye	Mahoney	-	Aye
15	Etchart	-	Aye	Mansfield	-	Aye
16	Felt	-	Aye	Martin	-	Aye
17	Foster	-	Aye	McCarvel	-	Aye
18	Furlong	-	Excused	McDonough	-	Absent
19	Garlington	-	Aye	McKeon	-	Aye
20	Gysler	-	Aye	McNeil	-	Aye
21	Habedank	-	Aye	Melvin	-	Aye
22	Hanson, R. S.	-	Aye	Monroe	-	Aye
23	Hanson, R.	-	Aye	Murray	-	Aye
24	Harbaugh	-	Aye	Noble	-	Aye
25	Harlow	-	Aye	Nutting	-	Aye

STATE PUBLISHING CO. HELENA, MONT. 3

Payne	-	Aye	Sparks	-	Aye
Pemberton	-	Absent	Speer	-	Aye
Rebal	-	Aye	Studer	-	Aye
Reichert	-	Aye	Sullivan	-	Aye
Robinson	-	Aye	Swanberg	-	Aye
Roeder	-	Aye	Toole	-	Absent
Rollins	-	Absent	Van Buskirk	-	Aye
Romney	-	Absent	Vermillion	-	Aye
Rygg	-	Aye	Wagner	-	Aye
Scanlin	-	Aye	Ward	-	Aye
Schiltz	-	Aye	Warden	-	Aye
Siderius	-	Aye	Wilson	-	Aye
Simon	-	Aye	Woodmansey	-	Aye
Skari	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, ninety Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Very well, section two.

CLERK HANSON: (Reading) Section two, Initiative for Constitutional Convention. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Section two, consisting of two subsections. So many as are in favor vote Aye and opposed vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate want to change

STATE PUBLISHING CO. HELENA, MONT.

his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Nay	Campbell	-	Aye
Anderson, J.	-	Aye	Cate	-	Aye
Anderson, O.	-	Aye	Champoux	-	Aye
Arbanas	-	Aye	Choate	-	Aye
Arness	-	Aye	Conover	-	Aye
Aronow	-	Aye	Cross	-	Aye
Artz	-	Aye	Dahood	-	Absent
Ask	-	Aye	Davis	-	Aye
Babcock	-	Aye	Delaney	-	Aye
Barnard	-	Aye	Driscoll	-	Aye
Bates	-	Aye	Drum	-	Absent
Belcher	-	Aye	Eck	-	Aye
Berg	-	Aye	Erdmann	-	Aye
Berthelson	-	Aye	Eskildsen	-	Aye
Blaylock	-	Aye	Etchart	-	Aye
Blend	-	Aye	Felt	-	Aye
Bowman	-	Aye	Foster	-	Aye
Brazier	-	Aye	Furlong	-	Excused
Brown	-	Nay	Garlington	-	Aye
Bugbee	-	Aye	Gysler	-	Aye
Burkhardt	-	Aye	Habedank	-	Aye
Cain	-	Aye	Hanson, R. S.	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Hanson, R.	- Aye	Murray	-	Aye
2	Harbaugh	- Aye	Noble	-	Aye
3	Harlow	- Aye	Nutting	-	Aye
4	Harper	- Absent	Payne	-	Aye
5	Harrington	- Aye	Pemberton	-	Absent
6	Heliker	- Aye	Rebal	-	Aye
7	Holland	- Absent	Reichert	-	Aye
8	Jacobsen	- Aye	Robinson	-	Aye
9	James	- Absent	Roeder	-	Aye
10	Johnson	- Absent	Rollins	-	Aye
11	Joyce	- Nay	Romney	-	Absent
12	Kamhoot	- Aye	Rygg	-	Aye
13	Kelleher	- Aye	Scanlin	-	Aye
14	Leuthold	- Aye	Schiltz	-	Aye
15	Loendorf	- Aye	Siderius	-	Aye
16	Lorello	- Aye	Simon	-	Aye
17	Mahoney	- Aye	Skari	-	Aye
18	Mansfield	- Aye	Sparks	-	Aye
19	Martin	- Aye	Speer	-	Aye
20	McCarvel	- Aye	Studer	-	Aye
21	McDonough	- Absent	Sullivan	-	Aye
22	McKeon	- Aye	Swanberg	-	Aye
23	McNeil	- Aye	Toole	-	Aye
24	Melvin	- Aye	Van Buskirk	-	Aye
25	Monroe	- Aye	Vermillion	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Wagner	-	Aye	Wilson	-	Aye
Ward	-	Aye	Woodmansey	-	Aye
Warden	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-seven Delegates voting Aye, three voting No.

PRESIDENT GRAYBILL: Very well, section three.

CLERK HANSON: (Reading) Section three, Periodic Submission. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as are in favor of section three, vote Aye; opposed, No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Babcock	-	Nay
Anderson, J.	-	Aye	Barnard	-	Nay
Anderson, O.	-	Aye	Bates	-	Nay
Arbanas	-	Aye	Belcher	-	Aye
Arness	-	Nay	Berg	-	Aye
Aronow	-	Aye	Berthelson	-	Aye
Artz	-	Aye	Blaylock	-	Nay
Ask	-	Nay	Blend	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Bowman	-	Aye	Gysler	-	Nay
2	Brazier	-	Aye	Habedank	-	Aye
3	Brown	-	Nay	Hanson, R. S.	-	Aye
4	Bugbee	-	Aye	Hanson, R.	-	Aye
5	Burkhardt	-	Aye	Harbaugh	-	Aye
6	Cain	-	Aye	Harlow	-	Aye
7	Campbell	-	Aye	Harper	-	Nay
8	Cate	-	Aye	Harrington	-	Aye
9	Champoux	-	Aye	Heliker	-	Aye
10	Choate	-	Aye	Holland	-	Absent
11	Conover	-	Nay	Jacobsen	-	Aye
12	Cross	-	Nay	James	-	Nay
13	Dahood	-	Absent	Johnson	-	Nay
14	Davis	-	Nay	Joyce	-	Nay
15	Delaney	-	Aye	Kamhoot	-	Nay
16	Driscoll	-	Aye	Kelleher	-	Aye
17	Drum	-	Absent	Leuthold	-	Aye
18	Eck	-	Aye	Loendorf	-	Aye
19	Erdmann	-	Nay	Lorello	-	Aye
20	Eskildsen	-	Nay	Mahoney	-	Nay
21	Etchart	-	Nay	Mansfield	-	Nay
22	Felt	-	Aye	Martin	-	Nay
23	Foster	-	Aye	McCarvel	-	Aye
24	Furlong	-	Excused	McDonough	-	Absent
25	Garlington	-	Aye	McKeon	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

McNeil	-	Nay	Siderius	-	Aye
Melvin	-	Nay	Simon	-	Nay
Monroe	-	Aye	Skari	-	Nay
Murray	-	Aye	Sparks	-	Aye
Noble	-	Aye	Speer	-	Aye
Nutting	-	Nay	Studer	-	Aye
Payne	-	Aye	Sullivan	-	Aye
Pemberton	-	Absent	Swanberg	-	Aye
Rebal	-	Aye	Toole	-	Absent
Reichert	-	Aye	Van Buskirk	-	Aye
Robinson	-	Nay	Vermillion	-	Aye
Roeder	-	Aye	Wagner	-	Nay
Rollins	-	Nay	Ward	-	Nay
Romney	-	Nay	Warden	-	Aye
Rygg	-	Aye	Wilson	-	Nay
Scanlin	-	Nay	Woodmansey	-	Aye
Schiltz	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, fifty-nine Delegates voting Aye, thirty-four voting No.

PRESIDENT GRAYBILL: Very well, section four.

CLERK HANSON: (Reading) Section four, Call of Convention. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many Delegates as are in favor of section four, please vote Aye; opposed, No. Have all

STATE PUBLISHING CO. HELENA, MONT.

the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Bugbee	-	Aye
Anderson, J.	-	Aye	Burkhardt	-	Aye
Anderson, O.	-	Aye	Cain	-	Aye
Arbanas	-	Aye	Campbell	-	Aye
Arness	-	Nay	Cate	-	Aye
Aronow	-	Aye	Champoux	-	Aye
Artz	-	Aye	Choate	-	Aye
Ask	-	Aye	Conover	-	Aye
Babcock	-	Aye	Cross	-	Aye
Barnard	-	Aye	Dahood	-	Absent
Bates	-	Aye	Davis	-	Aye
Belcher	-	Aye	Delaney	-	Aye
Berg	-	Aye	Driscoll	-	Aye
Berthelson	-	Aye	Drum	-	Absent
Blaylock	-	Aye	Eck	-	Aye
Blend	-	Aye	Erdmann	-	Aye
Bowman	-	Aye	Eskildsen	-	Aye
Brazier	-	Aye	Etchart	-	Aye
Brown	-	Aye	Felt	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Foster	-	Aye	McCarvel	-	Aye
2	Furlong	-	Excused	McDonough	-	Absent
3	Garlington	-	Aye	McKeon	-	Aye
4	Gysler	-	Aye	McNeil	-	Aye
5	Habedank	-	Aye	Melvin	-	Aye
6	Hanson, R. S.	-	Aye	Monroe	-	Aye
7	Hanson, R.	-	Aye	Murray	-	Aye
8	Harbaugh	-	Aye	Noble	-	Aye
9	Harlow	-	Aye	Nutting	-	Aye
10	Harper	-	Aye	Payne	-	Aye
11	Harrington	-	Aye	Pemberton	-	Absent
12	Heliker	-	Aye	Rebal	-	Aye
13	Holland	-	Absent	Reichert	-	Aye
14	Jacobsen	-	Aye	Robinson	-	Aye
15	James	-	Aye	Roeder	-	Aye
16	Johnson	-	Aye	Rollins	-	Aye
17	Joyce	-	Aye	Romney	-	Aye
18	Kamhoot	-	Aye	Rygg	-	Aye
19	Kelleher	-	Aye	Scanlin	-	Nay
20	Leuthold	-	Aye	Schiltz	-	Aye
21	Loendorf	-	Aye	Siderius	-	Aye
22	Lorello	-	Aye	Simon	-	Nay
23	Mahoney	-	Nay	Skari	-	Aye
24	Mansfield	-	Aye	Sparks	-	Aye
25	Martin	-	Nay	Speer	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.

Studer	-	Aye	Wagner	-	Aye
Sullivan	-	Aye	Ward	-	Aye
Swanberg	-	Aye	Warden	-	Aye
Toole	-	Aye	Wilson	-	Aye
Van Buskirk	-	Aye	Woodmansey	-	Aye
Vermillion	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-nine Delegates voting Aye, five voting No.

PRESIDENT GRAYBILL: Very well, section five.

CLERK HANSON: (Reading) Section five, Convention Expenses. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section five, vote Aye; opposed, No. All the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Please cast the ballot.

Aasheim	-	Aye	Aronow	-	Aye
Anderson, J.	-	Aye	Artz	-	Aye
Anderson, O.	-	Aye	Ask	-	Aye
Arbanas	-	Aye	Babcock	-	Aye
Arness	-	Aye	Barnard	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Bates	-	Aye	Eskildsen	-	Aye
2	Belcher	-	Aye	Etchart	-	Aye
3	Berg	-	Aye	Felt	-	Aye
4	Berthelson	-	Aye	Foster	-	Aye
5	Blaylock	-	Aye	Furlong	-	Excused
6	Blend	-	Aye	Garlington	-	Aye
7	Bowman	-	Aye	Gysler	-	Aye
8	Brazier	-	Aye	Habedank	-	Aye
9	Brown	-	Absent	Hanson, R. S.	-	Aye
10	Bugbee	-	Aye	Hanson, R.	-	Aye
11	Burkhardt	-	Aye	Harbaugh	-	Aye
12	Cain	-	Aye	Harlow	-	Aye
13	Campbell	-	Aye	Harper	-	Aye
14	Cate	-	Aye	Harrington	-	Aye
15	Champoux	-	Absent	Heliker	-	Aye
16	Choate	-	Aye	Holland	-	Absent
17	Conover	-	Aye	Jacobsen	-	Aye
18	Cross	-	Aye	James	-	Aye
19	Dahood	-	Absent	Johnson	-	Aye
20	Davis	-	Aye	Joyce	-	Aye
21	Delaney	-	Aye	Kamhoot	-	Aye
22	Driscoll	-	Aye	Kelleher	-	Aye
23	Drum	-	Aye	Leuthold	-	Aye
24	Eck	-	Aye	Loendorf	-	Aye
25	Erdmann	-	Aye	Lorello	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Mahoney	-	Aye	Rygg	-	Aye
Mansfield	-	Aye	Scanlin	-	Nay
Martin	-	Aye	Schiltz	-	Aye
McCarvel	-	Aye	Siderius	-	Aye
McDonough	-	Absent	Simon	-	Aye
McKeon	-	Aye	Skari	-	Aye
McNeil	-	Aye	Sparks	-	Aye
Melvin	-	Aye	Speer	-	Aye
Monroe	-	Aye	Studer	-	Aye
Murray	-	Aye	Sullivan	-	Aye
Noble	-	Aye	Swanberg	-	Aye
Nutting	-	Aye	Toole	-	Aye
Payne	-	Aye	Van Buskirk	-	Aye
Pemberton	-	Absent	Vermillion	-	Aye
Rebal	-	Aye	Wagner	-	Aye
Reichert	-	Aye	Ward	-	Aye
Robinson	-	Aye	Warden	-	Aye
Roeder	-	Aye	Wilson	-	Aye
Rollins	-	Aye	Woodmansey	-	Aye
Romney	-	Aye	Mr. President	-	Absent

CLERK HANSON: Mr. President, ninety-one Delegates voting Aye, one voting No.

PRESIDENT GRAYBILL: Very well, section six.

CLERK HANSON: (Reading) Section six, Oath, Vacancies. (End reading)

STATE PUBLISHING CO. HELENA, MONT.

Mr. President.

PRESIDENT GRAYBILL: So many Delegates as are in favor of section six, please vote Aye; opposed No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Please cast the ballot.

Aasheim	-	Aye	Bowman	-	Aye
Anderson, J.	-	Aye	Brazier	-	Aye
Anderson, O.	-	Aye	Brown	-	Aye
Arbanas	-	Aye	Bugbee	-	Aye
Arness	-	Aye	Burkhardt	-	Aye
Aronow	-	Aye	Cain	-	Aye
Artz	-	Aye	Campbell	-	Aye
Ask	-	Aye	Cate	-	Aye
Babcock	-	Aye	Champoux	-	Aye
Barnard	-	Aye	Choate	-	Aye
Bates	-	Aye	Conover	-	Aye
Belcher	-	Aye	Cross	-	Aye
Berg	-	Aye	Dahood	-	Absent
Berthelson	-	Aye	Davis	-	Aye
Blaylock	-	Aye	Delaney	-	Aye
Blend	-	Aye	Driscoll	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Drum	-	Aye	Leuthold	-	Aye
2	Eck	-	Aye	Loendorf	-	Aye
3	Erdmann	-	Absent	Lorello	-	Aye
4	Eskildsen	-	Aye	Mahoney	-	Aye
5	Etchart	-	Aye	Mansfield	-	Aye
6	Felt	-	Aye	Martin	-	Aye
7	Foster	-	Aye	McCarvel	-	Aye
8	Furlong	-	Excused	McDonough	-	Aye
9	Garlington	-	Aye	McKeon	-	Aye
10	Gysler	-	Aye	McNeil	-	Aye
11	Habedank	-	Aye	Melvin	-	Aye
12	Hanson, R. S.	-	Aye	Monroe	-	Aye
13	Hanson, R.	-	Aye	Murray	-	Aye
14	Harbaugh	-	Aye	Noble	-	Aye
15	Harlow	-	Aye	Nutting	-	Aye
16	Harper	-	Aye	Payne	-	Aye
17	Harrington	-	Aye	Pemberton	-	Absent
18	Heliker	-	Aye	Rebal	-	Aye
19	Holland	-	Absent	Reichert	-	Aye
20	Jacobsen	-	Aye	Robinson	-	Aye
21	James	-	Aye	Roeder	-	Aye
22	Johnson	-	Aye	Rollins	-	Aye
23	Joyce	-	Aye	Romney	-	Nay
24	Kamhoot	-	Aye	Rygg	-	Aye
25	Kelleher	-	Aye	Scanlin	-	Nay

STATE PUBLISHING CO. HELENA, MONT.
3

Schiltz	-	Aye	Toole	-	Aye
Siderius	-	Aye	Van Buskirk	-	Aye
Simon	-	Aye	Vermillion	-	Aye
Skari	-	Aye	Wagner	-	Aye
Sparks	-	Aye	Ward	-	Aye
Speer	-	Aye	Warden	-	Aye
Studer	-	Aye	Wilson	-	Aye
Sullivan	-	Aye	Woodmansey	-	Aye
Swanberg	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, ninety-three Delegates voting Aye, two voting No.

PRESIDENT GRAYBILL: Very well, section seven.

CLERK HANSON: (Reading) Section seven, Convention Duties. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section seven vote Aye and opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Close the ballot.

Aasheim	-	Aye	Anderson, O.	-	Aye
Anderson, J.	-	Aye	Arbanas	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Arness	-	Aye	Davis	-	Aye
2	Aronow	-	Aye	Delaney	-	Aye
3	Artz	-	Aye	Driscoll	-	Aye
4	Ask	-	Aye	Drum	-	Absent
5	Babcock	-	Aye	Eck	-	Aye
6	Barnard	-	Aye	Erdmann	-	Aye
7	Bates	-	Aye	Eskildsen	-	Aye
8	Belcher	-	Aye	Etchart	-	Aye
9	Berg	-	Absent	Felt	-	Aye
10	Berthelson	-	Aye	Foster	-	Aye
11	Blaylock	-	Aye	Furlong	-	Excused
12	Blend	-	Aye	Garlington	-	Absent
13	Bowman	-	Aye	Gysler	-	Aye
14	Brazier	-	Aye	Habedank	-	Aye
15	Brown	-	Aye	Hanson, R. S.	-	Aye
16	Bugbee	-	Aye	Hanson, R.	-	Aye
17	Burkhardt	-	Aye	Harbaugh	-	Aye
18	Cain	-	Aye	Harlow	-	Aye
19	Campbell	-	Aye	Harper	-	Absent
20	Cate	-	Aye	Harrington	-	Aye
21	Champoux	-	Aye	Heliker	-	Aye
22	Choate	-	Aye	Holland	-	Absent
23	Conover	-	Aye	Jacobsen	-	Aye
24	Cross	-	Aye	James	-	Aye
25	Dahood	-	Absent	Johnson	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Joyce	-	Aye	Roeder	-	Aye
Kamhoot	-	Aye	Rollins	-	Nay
Kelleher	-	Aye	Romney	-	Aye
Leuthold	-	Aye	Rygg	-	Aye
Loendorf	-	Aye	Scanlin	-	Nay
Lorello	-	Aye	Schiltz	-	Aye
Mahoney	-	Aye	Siderius	-	Aye
Mansfield	-	Aye	Simon	-	Aye
Martin	-	Aye	Skari	-	Aye
McCarvel	-	Aye	Sparks	-	Aye
McDonough	-	Aye	Speer	-	Absent
McKeon	-	Aye	Studer	-	Aye
McNeil	-	Aye	Sullivan	-	Aye
Melvin	-	Aye	Swanberg	-	Aye
Monroe	-	Aye	Toole	-	Aye
Murray	-	Aye	Van Buskirk	-	Aye
Noble	-	Aye	Vermillion	-	Aye
Nutting	-	Aye	Wagner	-	Aye
Payne	-	Aye	Ward	-	Aye
Pemberton	-	Absent	Warden	-	Aye
Rebal	-	Aye	Wilson	-	Aye
Reichert	-	Aye	Woodmansey	-	Aye
Robinson	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-nine Delegates voting Aye, two voting No.

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: Very well, section eight.

CLERK HANSON: (Reading) Section eight, Amendment by Legislative Referendum. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as are in favor of section eight, vote Aye; so many as are opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Berthelson	-	Aye
Anderson, J.	-	Aye	Blaylock	-	Absent
Anderson, O.	-	Aye	Blend	-	Aye
Arbanas	-	Aye	Bowman	-	Aye
Arness	-	Aye	Brazier	-	Aye
Aronow	-	Aye	Brown	-	Aye
Artz	-	Aye	Bugbee	-	Aye
Ask	-	Aye	Burkhardt	-	Aye
Babcock	-	Aye	Cain	-	Aye
Barnard	-	Aye	Campbell	-	Aye
Bates	-	Aye	Cate	-	Aye
Belcher	-	Aye	Champoux	-	Absent
Berg	-	Aye	Choate	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Conover	-	Aye	Jacobsen	-	Aye
2	Cross	-	Aye	James	-	Aye
3	Dahood	-	Absent	Johnson	-	Aye
4	Davis	-	Aye	Joyce	-	Aye
5	Delaney	-	Aye	Kamhoot	-	Aye
6	Driscoll	-	Aye	Kelleher	-	Aye
7	Drum	-	Aye	Leuthold	-	Aye
8	Eck	-	Aye	Loendorf	-	Aye
9	Erdmann	-	Aye	Lorello	-	Aye
10	Eskildsen	-	Aye	Mahoney	-	Nay
11	Etchart	-	Aye	Mansfield	-	Aye
12	Felt	-	Aye	Martin	-	Aye
13	Foster	-	Aye	McCarvel	-	Aye
14	Furlong	-	Excused	McDonough	-	Aye
15	Garlington	-	Aye	McKeon	-	Aye
16	Gysler	-	Aye	McNeil	-	Aye
17	Habedank	-	Aye	Melvin	-	Aye
18	Hanson, R. S.	-	Aye	Monroe	-	Aye
19	Hanson, R.	-	Aye	Murray	-	Aye
20	Harbaugh	-	Aye	Noble	-	Aye
21	Harlow	-	Aye	Nutting	-	Aye
22	Harper	-	Aye	Payne	-	Aye
23	Harrington	-	Aye	Pemberton	-	Absent
24	Heliker	-	Aye	Rebal	-	Aye
25	Holland	-	Absent	Reichert	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Robinson	-	Aye	Studer	-	Aye
Roeder	-	Aye	Sullivan	-	Aye
Rollins	-	Aye	Swanberg	-	Aye
Romney	-	Aye	Toole	-	Aye
Rygg	-	Aye	Van Buskirk	-	Aye
Scanlin	-	Nay	Vermillion	-	Aye
Schiltz	-	Aye	Wagner	-	Aye
Siderius	-	Aye	Ward	-	Aye
Simon	-	Aye	Warden	-	Aye
Skari	-	Aye	Wilson	-	Aye
Sparks	-	Aye	Woodmansey	-	Aye
Speer	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, ninety-two Delegates voting Aye, two voting No.

PRESIDENT GRAYBILL: Very well, section nine.

CLERK HANSON: (Reading) Section nine, Amendment by Initiative. (End reading)

PRESIDENT GRAYBILL: So many as are in favor of section nine, vote Aye on the voting machines; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

STATE PUBLISHING CO. HELENA, MONT.

1	Aasheim	-	Aye	Choate	-	Aye
2	Anderson, J.	-	Aye	Conover	-	Aye
3	Anderson, O.	-	Aye	Cross	-	Aye
4	Arbanas	-	Aye	Dahood	-	Absent
5	Arness	-	Aye	Davis	-	Aye
6	Aronow	-	Aye	Delaney	-	Aye
7	Artz	-	Aye	Driscoll	-	Aye
8	Ask	-	Aye	Drum	-	Aye
9	Babcock	-	Aye	Eck	-	Aye
10	Barnard	-	Aye	Erdmann	-	Aye
11	Bates	-	Aye	Eskildsen	-	Aye
12	Belcher	-	Aye	Etchart	-	Aye
13	Berg	-	Aye	Felt	-	Aye
14	Berthelson	-	Aye	Foster	-	Aye
15	Blaylock	-	Aye	Furlong	-	Excused
16	Blend	-	Aye	Garlington	-	Aye
17	Bowman	-	Aye	Gysler	-	Aye
18	Brazier	-	Aye	Habedank	-	Aye
19	Brown	-	Nay	Hanson, R. S.	-	Aye
20	Bugbee	-	Aye	Hanson, R.	-	Aye
21	Burkhardt	-	Aye	Harbaugh	-	Nay
22	Cain	-	Aye	Harlow	-	Aye
23	Campbell	-	Aye	Harper	-	Aye
24	Cate	-	Aye	Harrington	-	Aye
25	Champoux	-	Aye	Heliker	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

1	Holland	-	Absent	Reichert	-	Aye
2	Jacobsen	-	Aye	Robinson	-	Aye
3	James	-	Aye	Roeder	-	Aye
4	Johnson	-	Nay	Rollins	-	Aye
5	Joyce	-	Nay	Romney	-	Aye
6	Kamhoot	-	Nay	Rygg	-	Aye
7	Kelleher	-	Aye	Scanlin	-	Aye
8	Leuthold	-	Aye	Schiltz	-	Aye
9	Loendorf	-	Aye	Siderius	-	Aye
10	Lorello	-	Aye	Simon	-	Aye
11	Mahoney	-	Aye	Skari	-	Aye
12	Mansfield	-	Absent	Sparks	-	Aye
13	Martin	-	Aye	Speer	-	Aye
14	McCarvel	-	Aye	Studer	-	Aye
15	McDonough	-	Aye	Sullivan	-	Aye
16	McKeon	-	Absent	Swanberg	-	Aye
17	McNeil	-	Aye	Toole	-	Aye
18	Melvin	-	Aye	Van Buskirk	-	Aye
19	Monroe	-	Aye	Vermillion	-	Aye
20	Murray	-	Aye	Wagner	-	Aye
21	Noble	-	Aye	Ward	-	Nay
22	Nutting	-	Aye	Warden	-	Aye
23	Payne	-	Aye	Wilson	-	Nay
24	Pemberton	-	Absent	Woodmansey	-	Aye
25	Rebal	-	Aye	Mr. President	-	Aye

STATE PUBLISHING CO. HELENA, MONT.
3

CLERK HANSON: Mr. President, eighty-seven Delegates voting Aye, seven voting No.

PRESIDENT GRAYBILL: Very well, section ten.

CLERK HANSON: (Reading) Section ten, Petition Signers. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section ten, vote Aye; as many as opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Close the ballot.

DELEGATE ARONOW: Aronow votes Aye.

PRESIDENT GRAYBILL: Mr. Aronow votes Aye.

Aasheim	-	Aye	Barnard	-	Aye
Anderson, J.	-	Aye	Bates	-	Aye
Anderson, O.	-	Aye	Belcher	-	Aye
Arbanas	-	Aye	Berg	-	Aye
Arness	-	Aye	Berthelson	-	Aye
Aronow	-	Aye	Blaylock	-	Aye
Artz	-	Aye	Blend	-	Aye
Ask	-	Aye	Bowman	-	Aye
Babcock	-	Aye	Brazier	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Brown	-	Aye	Hanson, R. S.	-	Aye
Bugbee	-	Aye	Hanson, R.	-	Aye
Burkhardt	-	Aye	Harbaugh	-	Aye
Cain	-	Aye	Harlow	-	Aye
Campbell	-	Aye	Harper	-	Aye
Cate	-	Aye	Harrington	-	Aye
Champoux	-	Aye	Heliker	-	Aye
Choate	-	Aye	Holland	-	Absent
Conover	-	Aye	Jacobsen	-	Aye
Cross	-	Aye	James	-	Aye
Dahood	-	Absent	Johnson	-	Aye
Davis	-	Aye	Joyce	-	Aye
Delaney	-	Aye	Kamhoot	-	Aye
Driscoll	-	Aye	Kelleher	-	Aye
Drum	-	Aye	Leuthold	-	Aye
Eck	-	Aye	Loendorf	-	Aye
Erdmann	-	Aye	Lorello	-	Absent
Eskildsen	-	Aye	Mahoney	-	Aye
Etchart	-	Aye	Mansfield	-	Aye
Felt	-	Aye	Martin	-	Aye
Foster	-	Aye	McCarvel	-	Aye
Furlong	-	Excused	McDonough	-	Aye
Garlington	-	Aye	McKeon	-	Aye
Gysler	-	Aye	McNeil	-	Aye
Habedank	-	Aye	Melvin	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Monroe	-	Aye		Simon	-	Aye	
Murray	-	Aye		Skari	-	Aye	
Noble	-	Aye		Sparks	-	Aye	
Nutting	-	Aye		Speer	-	Aye	
Payne	-	Aye		Studer	-	Aye	
Pemberton	-	Absent		Sullivan	-	Aye	
Rebal	-	Aye		Swanberg	-	Aye	
Reichert	-	Aye		Toole	-	Absent	
Robinson	-	Aye		Van Buskirk	-	Aye	
Roeder	-	Aye		Vermillion	-	Aye	
Rollins	-	Aye		Wagner	-	Aye	
Romney	-	Aye		Ward	-	Aye	
Rygg	-	Aye		Warden	-	Aye	
Scanlin	-	Aye		Wilson	-	Aye	
Schiltz	-	Aye		Woodmansey	-	Aye	
Siderius	-	Aye		Mr. President	-	Aye.	

CLERK HANSON: Mr. President, ninety-four Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Very well, section eleven.

CLERK HANSON: (Reading) Section eleven, Submission. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section eleven, vote Aye, and so many as shall be opposed, No. Have all the Delegates voted?

STATE PUBLISHING CO. HELENA, MONT.

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Burkhardt	-	Aye
Anderson, J.	-	Aye	Cain	-	Aye
Anderson, O.	-	Aye	Campbell	-	Aye
Arbanas	-	Aye	Cate	-	Aye
Arness	-	Aye	Champoux	-	Aye
Aronow	-	Aye	Choate	-	Aye
Artz	-	Aye	Conover	-	Aye
Ask	-	Aye	Cross	-	Aye
Babcock	-	Aye	Dahood	-	Absent
Barnard	-	Aye	Davis	-	Aye
Bates	-	Aye	Delaney	-	Aye
Belcher	-	Aye	Driscoll	-	Aye
Berg	-	Aye	Drum	-	Aye
Berthelson	-	Aye	Eck	-	Aye
Blaylock	-	Aye	Erdmann	-	Aye
Blend	-	Aye	Eskildsen	-	Aye
Bowman	-	Aye	Etchart	-	Aye
Brazier	-	Aye	Felt	-	Aye
Brown	-	Aye	Foster	-	Aye
Bugbee	-	Aye	Furlong	-	Excused

STATE PUBLISHING CO. HELENA, MONT.

Garlington	-	Aye	McKeon	-	Aye
Gysler	-	Aye	McNeil	-	Aye
Habedank	-	Aye	Melvin	-	Aye
Hanson, R. S.	-	Aye	Monroe	-	Aye
Hanson, R.	-	Aye	Murray	-	Aye
Harbaugh	-	Aye	Noble	-	Aye
Harlow	-	Aye	Nutting	-	Aye
Harper	-	Aye	Payne	-	Aye
Harrington	-	Aye	Pemberton	-	Absent
Heliker	-	Aye	Rebal	-	Aye
Holland	-	Absent	Reichert	-	Aye
Jacobsen	-	Aye	Robinson	-	Aye
James	-	Aye	Roeder	-	Aye
Johnson	-	Aye	Rollins	-	Aye
Joyce	-	Aye	Romney	-	Aye
Kamhoot	-	Aye	Rygg	-	Absent
Kelleher	-	Aye	Scanlin	-	Aye
Leuthold	-	Aye	Schiltz	-	Aye
Loendorf	-	Aye	Siderius	-	Aye
Lorello	-	Aye	Simon	-	Aye
Mahoney	-	Aye	Skari	-	Aye
Mansfield	-	Aye	Sparks	-	Aye
Martin	-	Aye	Speer	-	Aye
McCarvel	-	Aye	Studer	-	Aye
McDonough	-	Aye	Sullivan	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Swanberg	-	Aye	Ward	-	Aye
Toole	-	Aye	Warden	-	Aye
Van Buskirk	-	Aye	Wilson	-	Aye
Vermillion	-	Aye	Woodmansey	-	Aye
Wagner	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, ninety-five Delegates voting Aye; no Delegates voting No.

PRESIDENT GRAYBILL: Very well. By sustaining all of the sections you have sustained the entire Article Roman Two, Constitutional Revision, and the Chair will refer it back to Style and Drafting. We will stand at ease while we change the tape.

(Convention at ease)

PRESIDENT GRAYBILL: The Convention will be in session. The Convention will be in session. Mrs. Bates, for what purpose do you rise?

DELEGATE BATES: Mr. President, I just wanted to bring something to our attention. In voting here on section six we voted for an oath that we haven't looked at yet. Is this a rubber stamp then for a future proposal?

PRESIDENT GRAYBILL: Now, Mrs. Bates, I don't understand what you're talking about. Are you talking about the General Government --

DELEGATE BATES: Yes, it's one that we --

PRESIDENT GRAYBILL: May I see a copy, Mr. Clerk?

STATE PUBLISHING CO. HELENA, MONT.

And your point is that section six you haven't looked at? What do you mean?

DELEGATE BATES: The oath of office.

PRESIDENT GRAYBILL: (Gaveling for order) Will everyone please sit down and be quiet?

DELEGATE BATES: As yet, as far as I recall, we haven't acted on the actual oath that will be provided in this Constitution, and --

PRESIDENT GRAYBILL: You're talking about section six, Oaths and Vacancies?

DELEGATE BATES: Yes, in section two of this Constitutional Revision, but I just thought it was maybe something that we should be aware of. Thank you.

PRESIDENT GRAYBILL: I don't understand you at all, Mrs. Bates. We have voted on section six, to my recollection. Now, I'll be glad to pull my book --

DELEGATE BATES: Yes, Mr. Chairman, we just voted on it now but as far as the actual oath that will be included in this Constitution, we haven't acted on it previously as far as I can recall, although I did miss a session yesterday.

DELEGATE ETCHART: Mr. Chairman.

PRESIDENT GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: The oath is part of the General Government article which will be coming out at the end -- the last article.

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: I see. Well, Mrs. Bates, you are absolutely correct. We have voted on an oath that we haven't seen. It will come out of General Government. This Convention took an oath. I think the Delegates presumed that the next convention, if there was one, would take an oath. I see what you mean. We're not supposed to debate or discuss it. If you have other questions -- we've been through this about three times. I think that you're correct--technically correct --but I think it's probably unimportant at this time and you may certainly debate the oath when Mr. Etchart brings the oath in. O.K., now I understand what your point is. Very well, we'll now take up the Executive article, Order of Business Number Five, Executive, styled number Roman four. Everyone should have that. It was put on your desks today. Very well, Mr. Clerk, section one.

CLERK HANSON: (Reading) Section one, Officers. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section one of the Executive article, being Order of Business Number Five, Executive number Roman four, please vote Aye on the voting machine; those opposed, No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change

STATE PUBLISHING CO. HELENA, MONT.

his vote?

(No response)

PRESIDENT GRAYBILL: We'll close the ballot.

Aasheim	-	Aye	Cate	-	Absent
Anderson, J.	-	Aye	Champoux	-	Aye
Anderson, O.	-	Aye	Choate	-	Nay
Arbanas	-	Nay	Conover	-	Nay
Arness	-	Nay	Cross	-	Aye
Aronow	-	Absent	Dahood	-	Absent
Artz	-	Aye	Davis	-	Aye
Ask	-	Aye	Delaney	-	Aye
Babcock	-	Aye	Driscoll	-	Aye
Barnard	-	Aye	Drum	-	Aye
Bates	-	Aye	Eck	-	Nay
Belcher	-	Aye	Erdmann	-	Nay
Berg	-	Aye	Eskildsen	-	Nay
Berthelson	-	Nay	Etchart	-	Aye
Blaylock	-	Nay	Felt	-	Aye
Blend	-	Nay	Foster	-	Nay
Bowman	-	Nay	Furlong	-	Excused
Brazier	-	Aye	Garlington	-	Nay
Brown	-	Nay	Gysler	-	Nay
Bugbee	-	Nay			
Burkhardt	-	Nay	Habedank	-	Nay
Cain	-	Aye	Hanson, R. S.	-	Nay
Campbell	-	Nay	Hanson, R.	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Harbaugh	-	Nay	Noble	-	Aye
2	Harlow	-	Nay	Nutting	-	Aye
3	Harper	-	Nay	Payne	-	Nay
4	Harrington	-	Aye	Pemberton	-	Absent
5	Heliker	-	Nay	Rebal	-	Aye
6	Holland	-	Absent	Reichert	-	Nay
7	Jacobsen	-	Nay	Robinson	-	Nay
8	James	-	Aye	Roeder	-	Nay
9	Johnson	-	Aye	Rollins	-	Nay
10	Joyce	-	Nay	Romney	-	Aye
11	Kamhoot	-	Aye	Rygg	-	Nay
12	Kelleher	-	Nay	Scanlin	-	Nay
13	Leuthold	-	Aye	Schiltz	-	Aye
14	Loendorf	-	Aye	Siderius	-	Aye
15	Lorello	-	Nay	Simon	-	Nay
16	Mahoney	-	Nay	Skari	-	Nay
17	Mansfield	-	Aye	Sparks	-	Nay
18	Martin	-	Aye	Speer	-	Nay
19	McCarvel	-	Aye	Studer	-	Nay
20	McDonough	-	Nay	Sullivan	-	Aye
21	McKeon	-	Aye	Swanberg	-	Aye
22	McNeil	-	Aye	Toole	-	Aye
23	Melvin	-	Aye	Van Buskirk	-	Aye
24	Monroe	-	Nay	Vermillion	-	Aye
25	Murray	-	Aye	Wagner	-	Nay

STATE PUBLISHING CO. HELENA, MONT. 3

Ward	-	Nay	Woodmansey	-	Aye
Warden	-	Nay	Mr. President	-	Aye
Wilson	-	Aye			

CLERK HANSON: Mr. President, forty-eight voting Aye, forty-six voting No.

PRESIDENT GRAYBILL: Very well, section two.

CLERK HANSON: (Reading) Section two, Election. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Section two, consisting of sub-sections one and two. All those in favor vote Aye and opposed, vote No.

Mrs. Robinson.

DELEGATE ROBINSON: Point of order. On final consideration on section one, am I wrong? Do we not have to have fifty -- a majority of the membership of the body, rather than a majority of those present and voting?

PRESIDENT GRAYBILL: Just a moment. We'll check. May I have your attention? I'm going to void the existing ballot on number two and we'll come back to that. Just void that one. Mrs. Robinson has raised a point of order which I'm sure is interesting to everybody and it's Rule Fifty-One on page twenty-three: On final consideration of articles, the Convention shall finally consider individual articles at Order of Business Number Five, section by section. A majority of

STATE PUBLISHING CO. HELENA, MONT.

elected Delegates -- by a majority of elected Delegates and refer the said articles to Style and Drafting. So, at the moment you have not -- you are not going to send section one to Style and Drafting. It's going to be deleted, forty-eight only having voted Aye.

Mr. Murray.

DELEGATE MURRAY: Mr. President, I move for a call of the Convention.

PRESIDENT GRAYBILL: Very well, a call of the Convention having been moved for, we'll -- yes, Mr. Sergeant-at-Arms, we have had a call of the Convention. Will you call in the lobbies and see if we can't get the rest in here? All in favor of a call of the Convention vote Aye, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: Very well. Will all those present please vote Aye on the voting machines so we'll find out where we stand?

CLERK HANSON: Mr. Barnard.

PRESIDENT GRAYBILL: Mr. Eskildsen.

CLERK HANSON: Pemberton, Holland, Dahood.

PRESIDENT GRAYBILL: Members of the Convention, you may be interested in -- a call of the house having been ordered, we are now on Rule Sixty-Eight. No one shall be permitted

STATE PUBLISHING CO. HELENA, MONT.

to leave the floor of the Convention without permission of the President. The Sergeant at Arms shall notify all members within the bar of the Convention, which the Sergeant is now doing. The roll of the Convention shall be called and the absentees noted. The Sergeant at Arms may be dispatched after absentees. The Convention may proceed to business under a call of the Convention pending the arrival of the absentees.

Mr. Murray, what's your pleasure?

DELEGATE MURRAY: Well, my pleasure is to advise the Convention that we have just done a most serious act. Apparently, we want to go back to January seventeenth and commence committee work again on the Executive article by indication of our last vote, and I think that we should remind ourselves that we are in a most -- probably the most critical stage of our Convention right now. We have, by the rules, required fifty-one votes to pass things. This means that the Delegates should remain in this hall, should pay attention to their voting, and should be careful what they're doing. Now, if they intend to do that, somebody is going to have to get that particular section of the Executive article back into that committee or do something with it, and I hope they have in mind some good idea as to what they're going to do because that simply destroyed that committee's and this Convention's work to this stage. Now, progress having been made with Delegate Pemberton having returned to the chamber, I move the call

STATE PUBLISHING CO. HELENA, MONT.

of the House be dispensed with.

PRESIDENT GRAYBILL: Mr. Arbanas, for what purpose do you rise?

DELEGATE ARBANAS: I'd like to have a more careful explanation. If we persist in this vote, what does it actually mean? What are the processes we will follow?

PRESIDENT GRAYBILL: Well, at the moment it means that we have no executive officers in the new Constitution.

DELEGATE ARBANAS: Yes, but what do we do about it? That's what my question is. Does this go back to committee?

PRESIDENT GRAYBILL: I'm sure the Executive Committee and others are thinking about that, Mr. Arbanas, right now.

Mr. Murray.

DELEGATE MURRAY: Well, Mr. President, if nobody can come up with a better idea, then I would have to move to suspend the rules to put it back into the committee, which, again, places it in January seventeenth status.

PRESIDENT GRAYBILL: Mr. Simon.

DELEGATE SIMON: I would like to change my vote.

PRESIDENT GRAYBILL: I'm sorry, Mr. Simon, you can't change your vote at this time. The vote was cast.

DELEGATE SIMON: The vote is cast?

PRESIDENT GRAYBILL: Yes. There's a lot of us that might want to change our vote, but it's cast.

Mr. Kelleher.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE KELLEHER: I'd like to say I don't want Mr. Murray's remarks to go with no response. We are a plenipotentiary body and we can do anything we darned please, and if we want to reconsider this and send it back to committee, that's our power to do so. Our people are going to live with this Constitution for a heck of a long time, presumably, and if it means a few extra hours or a couple extra days to redecide this matter, I see no harm in that.

PRESIDENT GRAYBILL: I don't think Mr. Murray meant anything -- that we couldn't do that, Mr. Kelleher. The problem is, we have now a serious problem because we have destroyed the Executive article and that's fine, we'll certainly work on it.

Mr. Martin.

DELEGATE MARTIN: I believe that I was the only member of the Executive Committee who voted for this, and I just want to reiterate the position I've taken on the floor and that is --

PRESIDENT GRAYBILL: Well, Mr. Martin, I am not interested in arguing the Executive article now. If anyone has any discussion about the problem we're in, I will certainly be interested in --

DELEGATE MARTIN: Well, I think it is of --

PRESIDENT GRAYBILL: -- I'm not interested in arguing the Executive article.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE MARTIN: It's a policy I think the Convention should adopt, and that is not to reconsider and reconsider.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, I made a motion that we dispense with the call of the Convention. Has that motion ever been voted on?

PRESIDENT GRAYBILL: No, it hasn't. The motion is to dispense with the call of the Convention. Is there other discussion on that motion?

(No response)

PRESIDENT GRAYBILL: All in favor of dispensing with the call of the Convention, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Ayes have it.

Mr. Murray.

DELEGATE MURRAY: Mr. President, I move we suspend our rules for the specific purpose of revoting on section one of the Executive article.

PRESIDENT GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: I think that to be out of order. I think he can move to reconsider if he wishes to, but I don't think -- I don't think -- question at this time if we should ask for a suspension of the rules. You have a number of issues

STATE PUBLISHING CO. HELENA, MONT.

here that can be used. You can reconsider this vote and get a majority and then revote it or you can send it back to committee, but I don't see any question of suspending the rules for this.

DELEGATE MURRAY: Mr. President, the reason that I make the motion to suspend the rules is so the matter can be handled under this order of business. If we do not do so, we have to pass it for the time, go on to Order of Business Number Seven and then move to reconsider, and that's why I make it now, Mr. Mahoney. I think it should be made now so we can dispose of the matter.

DELEGATE MAHONEY: (Inaudible. Microphone not turned on.)

PRESIDENT GRAYBILL: All right, just a moment. Nobody has the floor. No one has the floor. Will the Convention be in order? Mr. Murray, at this time, the Chair is going to rule your motion to suspend the rules out of order, there being, in the Chair's opinion, other ways of approaching the problem. I'd call the Delegates' attention to Rule Sixty-Six, Motion for Reconsideration. Any Delegate who voted on the prevailing side may move for a reconsideration of any question at the same session day of the Convention, or may give notice for the next day. If the Delegate who gave the notice does not make the motion the next day -- and so forth. The Committee on Style also may do it. A motion to reconsider

STATE PUBLISHING CO. HELENA, MONT.

shall take precedence over all other questions except a motion to fix the time to which to adjourn, a motion to adjourn, and so forth. A motion to reconsider shall not be renewed. I have asked the question once of the Rules Committee as to whether or not we can't reconsider at this stage. I see nothing in the rules that prohibits reconsideration at Order of Business Number Five; therefore, a motion to reconsider would be in order. The Chair voted on the prevailing side, and if no one else will do it, I'll make a motion to reconsider.

Mr. Habedank, for what purpose do you rise?

DELEGATE HABEDANK: Mr. President, I voted on the prevailing side and I move that we reconsider our action, our vote on that section.

PRESIDENT GRAYBILL: Very well.

DELEGATE HABEDANK: Mr. President, I thought the motion lost. I did not vote on the prevailing side.

PRESIDENT GRAYBILL: Yes, Mr. Habedank, you are out of order.

Mr. Harlow, for what purpose do you rise?

DELEGATE HARLOW: First, I was going to ask for a point of order but it has been cleared up. I want to know who voted -- or, that is, what was the prevailing side?

PRESIDENT GRAYBILL: The prevailing side was -- (gaveling for order) Mr. Harlow has asked a question which the Chair intends to answer, so everybody take their time here.

STATE PUBLISHING CO. HELENA, MONT.

The motion that the Chair put was to adopt section one, and so I would say that the people that voted on the forty-six side, that is, No, were the prevailing side. The Chair is going to rule that way. Does anyone care to challenge the Chair? In other words, the No votes were the prevailing side. Anybody that voted Aye -- anybody that voted No can move to reconsider. Now, let's check again, Mr. Habedank.

DELEGATE HABEDANK: I voted No.

PRESIDENT GRAYBILL: Mr. Habedank, having voted No, you are on the prevailing side. Mr. Habedank, having previously recognized you, I'll recognize you again. What's your purpose?

DELEGATE HABEDANK: I move we reconsider the vote on section one.

DELEGATE FELT: Mr. President.

PRESIDENT GRAYBILL: Mr. Felt, you do not have the floor.

DELEGATE FELT: I know. I'm seeking it.

PRESIDENT GRAYBILL: Yes, I know, Mr. Felt. Mr. Felt, for what purpose do you rise?

DELEGATE FELT: The Chair invited the question if anyone wished to challenge the ruling of the Chair, but none given no opportunity to do so. I'm not --

PRESIDENT GRAYBILL: Just a moment, Mr. Felt. We have not proceeded. I'll be happy to give you that opportunity.

STATE PUBLISHING CO. HELENA, MONT.

I do have to think one thing through at a time, Mr. Felt. Now, Mr. Felt, for what purpose do you rise?

DELEGATE FELT: To challenge the ruling of the Chair that the No votes were the prevailing side.

PRESIDENT GRAYBILL: Very well.

DELEGATE FELT: And I'm not trying to be obstreperous. I think it's a difficult question and it might require just a little more thought by all of us, but it would seem to me that no side prevailed. There was no prevailing side and that no action was taken and a motion to reconsider would therefore be of some questionable validity, and I would just like to suggest as a possibility, which I'm not sure is available, either that a motion to revert to section one of the Executive article --

PRESIDENT GRAYBILL: Mr. Felt, you are out of order on that. You have challenged the order of the Chair and we'll take care of that matter.

DELEGATE FELT: I was just suggesting that as a possibility.

PRESIDENT GRAYBILL: All right, now Rule --

DELEGATE FELT: My only point is to challenge the ruling of the Chair.

PRESIDENT GRAYBILL: Very well, Mr. Felt, and the Chair will allow your challenge. Rule Seventy-Five is the one you want to look at on challenge of the Chair. On all appeals

STATE PUBLISHING CO. HELENA, MONT.

from decisions of the Chair the question shall be, shall the appeal be sustained -- that is, shall the Chair be -- shall Mr. Felt's appeal be sustained. A favorable vote of a majority of the Delegates present and voting shall sustain the appeal. The presiding officer may cast his vote on an appeal from his decision, and he shall have the right to explain his decision. Very well, I shall now explain my decision and then we'll vote on Mr. Felt's challenge. When I put section one to the body, I put it for adoption. Therefore, those that voted Aye were voting for adoption. It failed of adoption because of the rules; therefore, I've ruled that the prevailing side were people who were trying to keep it from being adopted. That's why I ruled that way. Secondly, I would like to point out that having ruled -- that I have to rule one way or the other. We have to find -- have someone do it and then as soon as we have made that ruling, either Mr. Habedank or someone on the other side, one of us can then make a motion to reconsider. It doesn't seem to me it makes much difference. If I had ruled the other way, we would have had someone else make the motion to reconsider, but that's the way I ruled. Now, the issue is, shall Mr. Felt's challenge of the Chair be sustained. All those in favor of sustaining Mr. Felt's -- and we'll take a roll call -- all those in favor of Mr. Felt's motion challenging the Chair vote Aye, and those that wish to sustain the Chair vote No. Has every Delegate voted?

STATE PUBLISHING CO. HELENA, MONT.

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, we'll cast the ballot.

Aasheim	-	Absent	Bugbee	-	Nay
Anderson, J.	-	Absent	Burkhardt	-	Nay
Anderson, O.	-	Nay	Cain	-	Nay
Arbanas	-	Aye	Campbell	-	Nay
Arness	-	Nay	Cate	-	Nay
Aronow	-	Nay	Champoux	-	Nay
Artz	-	Nay	Choate	-	Nay
Ask	-	Nay	Conover	-	Nay
Babcock	-	Nay	Cross	-	Nay
Barnard	-	Nay	Dahood	-	Absent
Bates	-	Absent	Davis	-	Nay
Belcher	-	Nay	Delaney	-	Nay
Berg	-	Nay	Driscoll	-	Nay
Berthelson	-	Nay	Drum	-	Aye
Blaylock	-	Nay	Eck	-	Nay
Blend	-	Nay	Erdmann	-	Nay
Bowman	-	Nay	Eskildsen	-	Nay
Brazier	-	Aye	Etchart	-	Aye
Brown	-	Nay	Felt	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Foster	-	Aye	McCarvel	-	Nay
Furlong	-	Excused	McDonough	-	Nay
Garlington	-	Nay	McKeon	-	Nay
Gysler	-	Nay	McNeil	-	Nay
Habedank	-	Nay	Melvin	-	Nay
Hanson, R. S.	-	Nay	Monroe	-	Aye
Hanson, R.	-	Nay	Murray	-	Nay
Harbaugh	-	Nay	Noble	-	Nay
Harlow	-	Nay	Nutting	-	Nay
Harper	-	Nay	Payne	-	Nay
Harrington	-	Nay	Pemberton	-	Nay
Heliker	-	Nay	Rebal	-	Nay
Holland	-	Nay	Reichert	-	Nay
Jacobsen	-	Nay	Robinson	-	Nay
James	-	Nay	Roeder	-	Nay
Johnson	-	Nay	Rollins	-	Nay
Joyce	-	Nay	Romney	-	Nay
Kamhoot	-	Nay	Rygg	-	Nay
Kelleher	-	Aye	Scanlin	-	Aye
Leuthold	-	Nay	Schiltz	-	Nay
Loendorf	-	Nay	Siderius	-	Nay
Lorello	-	Nay	Simon	-	Nay
Mahoney	-	Nay	Skari	-	Nay
Mansfield	-	Nay	Sparks	-	Nay
Martin	-	Nay	Speer	-	Nay

STATE
PUBLISHING CO.
HELENA, MONT.
3

Studer	-	Nay	Wagner	-	Nay
Sullivan	-	Nay	Ward	-	Nay
Swanberg	-	Nay	Warden	-	Nay
Toole	-	Nay	Wilson	-	Nay
Van Buskirk	-	Nay	Woodmansey	-	Nay
Vermillion	-	Nay	Mr. President	-	Nay

CLERK HANSON: Mr. Chairman, nine Delegates voting Aye, eighty-six voting No.

PRESIDENT GRAYBILL: Nine Delegates having voted Aye and eighty-six voting No, the Chair is sustained and the people that voted -- the forty-six of you -- are the prevailing side and Mr. Habedank's motion is in order. Mr. Habedank's motion is a move to reconsider. Now, the Chair would like to explain at this time to all the Delegates that I'm aware that this is an important matter for many of you. The Chair is merely going to put these things and we are going to get a vote. Obviously, we have a vote that upset the applecart. Now the question is whether there are enough people here to sustain that vote. Some people are willing to have it reconsidered. The Chair has to put that reconsideration and we will put the reconsideration. If we reconsider section one, then you can vote on it again. If we don't reconsider it, then we won't vote on it again and we'll have to take it from there. I suppose you want a roll call vote on the reconsideration.

DELEGATES: (Signifying in the affirmative.)

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: Very well. Mr. Mahoney, are you up?

DELEGATE MAHONEY: (Inaudible. Microphone not turned on.)

PRESIDENT GRAYBILL: No? All right. Now, the vote -- we're going to have a roll call vote. So many as shall be in favor of reconsidering, vote Aye, and so many as shall be opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, we'll close the ballot.

Mr. Aasheim, for what purpose do you rise?

DELEGATE AASHEIM: For the purpose of information, Mr. President.

PRESIDENT GRAYBILL: Very well, state your point.

DELEGATE AASHEIM: Will Mr. Murray yield to a question?

PRESIDENT GRAYBILL: Mr. Murray, there's a point of information and you have been asked to yield.

DELEGATE MURRAY: I yield.

DELEGATE AASHEIM: Could we not refer this section to General Orders rather than back to the committee?

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE MURRAY: No, we're right here on Order of Business Number Five. The President has decided that he wants reconsideration at this time. We have just voted to do that. My inquiry of the Chair and my motion was to suspend the rules because I disagreed with the President that we should have reconsideration here. He has authorized that motion. We have agreed. Now we'll vote on it. We don't take it out of here again, we leave it right here. If we lose it and we do not get fifty-one votes, then some appropriate motion will have to be made under Order of Business Number Seven to put it someplace.

DELEGATE AASHEIM: One more question.

PRESIDENT GRAYBILL: Very well, Mr. Aasheim.

DELEGATE AASHEIM: We could then put it to General Orders if we wanted to?

DELEGATE MURRAY: On Order of Business Number Seven, but you can't do it here.

PRESIDENT GRAYBILL: The Chair would only like to correct the inference that the Chair cares. I'm going to vote but it was not the Chair's idea that we have to do it this way. This way was available without suspending the rules. Someone took the way and that's why we're doing it.

Mr. Mahoney, for what purpose --

DELEGATE MAHONEY: I might think we're on a roll call vote and this is highly irregular for to be discussing.

STATE PUBLISHING CO. HELENA, MONT.

I think the President has been right in his decisions all the way and I think we're on roll call and I believe the only thing you can do is explain your vote.

PRESIDENT GRAYBILL: This was a point of information and that's why we took it that way. It's not a debate of the issue. Will the Clerk please announce the ballot?

Aasheim	-	Aye	Bugbee	-	Aye
Anderson, J.	-	Aye	Burkhardt	-	Aye
Anderson, O.	-	Aye	Cain	-	Aye
Arbanas	-	Nay	Campbell	-	Aye
Arness	-	Nay	Cate	-	Aye
Aronow	-	Aye	Champoux	-	Aye
Artz	-	Aye	Choate	-	Aye
Ask	-	Aye	Conover	-	Aye
Babcock	-	Aye	Cross	-	Aye
Barnard	-	Aye	Dahood	-	Absent
Bates	-	Aye	Davis	-	Aye
Belcher	-	Aye	Delaney	-	Aye
Berg	-	Aye	Driscoll	-	Aye
Berthelson	-	Aye	Drum	-	Aye
Blaylock	-	Nay	Eck	-	Aye
Blend	-	Nay	Erdmann	-	Aye
Bowman	-	Aye	Eskildsen	-	Aye
Brazier	-	Aye	Etchart	-	Aye
Brown	-	Aye	Felt	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Foster	-	Aye	McCarvel	-	Aye
2	Furlong	-	Excused	McDonough	-	Aye
3	Garlington	-	Aye	McKeon	-	Aye
4	Gysler	-	Aye	McNeil	-	Aye
5	Habedank	-	Aye	Melvin	-	Aye
6	Hanson, R. S.	-	Aye	Monroe	-	Nay
7	Hanson, R.	-	Aye	Murray	-	Aye
8	Harbaugh	-	Nay	Noble	-	Aye
9	Harlow	-	Aye	Nutting	-	Aye
10	Harper	-	Aye	Payne	-	Aye
11	Harrington	-	Aye	Pemberton	-	Aye
12	Heliker	-	Aye	Rebal	-	Aye
13	Holland	-	Nay	Reichert	-	Aye
14	Jacobsen	-	Aye	Robinson	-	Nay
15	James	-	Aye	Roeder	-	Aye
16	Johnson	-	Aye	Rollins	-	Aye
17	Joyce	-	Aye	Romney	-	Aye
18	Kamhoot	-	Aye	Rygg	-	Aye
19	Kelleher	-	Nay	Scanlin	-	Nay
20	Leuthold	-	Aye	Schiltz	-	Aye
21	Lorndorf	-	Aye	Siderius	-	Aye
22	Lorello	-	Aye	Simon	-	Aye
23	Mahoney	-	Nay	Skari	-	Aye
24	Mansfield	-	Aye	Sparks	-	Nay
25	Martin	-	Aye	Speer	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.

Studer	-	Aye	Wagner	-	Aye
Sullivan	-	Aye	Ward	-	Nay
Swanberg	-	Aye	Warden	-	Aye
Toole	-	Nay	Wilson	-	Aye
Van Buskirk	-	Aye	Woodmansey	-	Aye
Vermillion	-	Aye	Mr. President	-	Nay

CLERK HANSON: Mr. President, eighty-three Delegates voting Aye, fifteen voting No.

PRESIDENT GRAYBILL: Very well, eighty-three having voted Aye and fifteen No, we will reconsider section one of the Executive branch -- Order of Business Number Five, Executive Roman four.

Mr. Monroe, for what purpose do you rise?

DELEGATE MONROE: Mr. President, I rise to explain my vote.

PRESIDENT GRAYBILL: Well, it's too late to explain your vote after it's cast. You have to explain it before we announce it.

DELEGATE MONROE: O.K., thank you.

PRESIDENT GRAYBILL: Very well, we are ready to vote again on section one. Mr. Clerk, section one.

CLERK HANSON: (Reading) Section one, Officers. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Very well, so many as shall be

STATE PUBLISHING CO. HELENA, MONT.

in favor of adopting section one, Officers, vote Aye -- and that includes subsections one, two and three -- and so many as shall be opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, cast the ballot.

Aasheim	- Aye	Brazier	- Aye
Anderson, J.	- Aye	Brown	- Aye
Anderson, O.	- Aye	Bugbee	- Nay
Arbanas	- Nay	Burkhardt	- Aye
Arness	- Nay	Cain	- Aye
Aronow	- Aye	Campbell	- Nay
Artz	- Aye	Cate	- Nay
Ask	- Aye	Champoux	- Aye
Babcock	- Aye	Choate	- Nay
Barnard	- Aye	Conover	- Nay
Bates	- Aye	Cross	- Aye
Belcher	- Aye	Dahood	- Absent
Berg	- Aye	Davis	- Aye
Berthelson	- Aye	Delaney	- Aye
Blaylock	- Nay	Driscoll	- Aye
Blend	- Nay	Drum	- Aye
Bowman	- Nay	Eck	- Nay

STATE PUBLISHING CO. HELENA, MONT.

1	Erdmann	-	Aye	Lorello	-	Nay
2	Eskildsen	-	Aye	Mahoney	-	Nay
3	Etchart	-	Aye	Mansfield	-	Aye
4	Felt	-	Aye	Martin	-	Aye
5	Foster	-	Nay	McCarvel	-	Aye
6	Furlong	-	Excused	McDonough	-	Nay
7	Garlington	-	Aye	McKeon	-	Aye
8	Gysler	-	Nay	McNeil	-	Aye
9	Habedank	-	Nay	Melvin	-	Aye
10	Hanson, R. S.	-	Nay	Monroe	-	Nay
11	Hanson, R.	-	Aye	Murray	-	Aye
12	Harbaugh	-	Nay	Noble	-	Aye
13	Harlow	-	Nay	Nutting	-	Aye
14	Harper	-	Nay	Payne	-	Nay
15	Harrington	-	Aye	Pemberton	-	Aye
16	Heliker	-	Nay	Rebal	-	Aye
17	Holland	-	Aye	Reichert	-	Nay
18	Jacobsen	-	Aye	Robinson	-	Nay
19	James	-	Aye	Roeder	-	Nay
20	Johnson	-	Aye	Rollins	-	Nay
21	Joyce	-	Aye	Romney	-	Aye
22	Kamhoot	-	Aye	Rygg	-	Aye
23	Kelleher	-	Nay	Scanlin	-	Nay
24	Leuthold	-	Aye	Schiltz	-	Aye
25	Loendorf	-	Nay	Siderius	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Simon	-	Aye	Van Buskirk	-	Aye
Skari	-	Aye	Vermillion	-	Aye
Sparks	-	Nay	Wagner	-	Aye
Speer	-	Nay	Ward	-	Nay
Studer	-	Aye	Warden	-	Nay
Sullivan	-	Aye	Wilson	-	Aye
Swanberg	-	Aye	Woodmansey	-	Aye
Toole	-	Aye	Mr. President	-	Nay

CLERK HANSON: Mr. President, sixty-two Delegates voting Aye, thirty-six voting No.

PRESIDENT GRAYBILL: Sixty-two Delegates having voted Aye and thirty-six having voted No, section one of the Executive article is now adopted.

DELEGATE MAHONEY: Mr. President.

PRESIDENT GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: I'd like to thank Mae Nan Robinson for bringing this to the attention of the Delegates and there's nothing at harm now, it's good, but thank you very much for bringing this to the attention of the Delegates.

PRESIDENT GRAYBILL: Very well. Very well, we're on section two, and there are two subsections.

Mr. Clerk.

CLERK HANSON: (Reading) Section two, Election. (End reading)

Mr. President.

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: Section two. So many as shall be in favor, vote Aye; so many as are opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, cast the ballot.

Mr. Siderius.

DELEGATE SIDERIUS: Mr. Chairman, I guess I didn't push my button quite hard enough. I vote --

PRESIDENT GRAYBILL: Very well, Siderius votes Aye.

DELEGATE SIDERIUS: I vote Aye.

(Laughter)

Aasheim - Aye		Belcher - Aye	
Anderson, J. - Aye		Berg - Aye	
Anderson, O. - Aye		Berthelson - Aye	
Arbanas - Aye		Blaylock - Aye	
Arness - Nay		Blend - Aye	
Aronow - Aye		Bowman - Nay	
Artz - Aye		Brazier - Aye	
Ask - Aye		Brown - Aye	
Babcock - Aye		Bugbee - Aye	
Barnard - Aye		Burkhardt - Aye	
Bates - Aye		Cain - Aye	

STATE PUBLISHING CO. HELENA, MONT.

1	Campbell	-	Aye	Harper	-	Aye
2	Cate	-	Aye	Harrington	-	Aye
3	Champoux	-	Aye	Heliker	-	Nay
4	Choate	-	Aye	Holland	-	Aye
5	Conover	-	Aye	Jacobsen	-	Aye
6	Cross	-	Absent	James	-	Aye
7	Dahood	-	Absent	Johnson	-	Aye
8	Davis	-	Aye	Joyce	-	Aye
9	Delaney	-	Aye	Kamhoot	-	Aye
10	Driscoll	-	Aye	Kelleher	-	Nay
11	Drum	-	Aye	Leuthold	-	Aye
12	Eck	-	Aye	Loendorf	-	Aye
13	Erdmann	-	Aye	Lorello	-	Nay
14	Eskildsen	-	Aye	Mahoney	-	Nay
15	Etchart	-	Aye	Mansfield	-	Aye
16	Felt	-	Aye	Martin	-	Aye
17	Foster	-	Aye	McCarvel	-	Aye
18	Furlong	-	Excused	McDonough	-	Aye
19	Garlington	-	Absent	McKeon	-	Aye
20	Gysler	-	Aye	McNeil	-	Aye
21	Habedank	-	Aye	Melvin	-	Aye
22	Hanson, R. S.	-	Aye	Monroe	-	Aye
23	Hanson, R.	-	Aye	Murray	-	Aye
24	Harbaugh	-	Nay	Noble	-	Aye
25	Harlow	-	Nay	Nutting	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Payne	-	Nay	Sparks	-	Aye
Pemberton	-	Aye	Speer	-	Aye
Rebal	-	Aye	Studer	-	Aye
Reichert	-	Aye	Sullivan	-	Aye
Robinson	-	Nay	Swanberg	-	Aye
Roeder	-	Aye	Toole	-	Aye
Rollins	-	Aye	Van Buskirk	-	Aye
Romney	-	Aye	Vermillion	-	Aye
Rygg	-	Aye	Wagner	-	Aye
Scanlin	-	Nay	Ward	-	Nay
Schiltz	-	Aye	Warden	-	Aye
Siderius	-	Aye	Wilson	-	Aye
Simon	-	Aye	Woodmansey	-	Aye
Skari	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-four voting Aye, twelve voting No.

PRESIDENT GRAYBILL: That was right, wasn't it, Mr. Siderius?

(Laughter)

PRESIDENT GRAYBILL: Very well. Excuse me, Mr. Siderius. Section three, containing three subsections.

CLERK HANSON: (Reading) Section three, Qualifications. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Section three, so many as

STATE PUBLISHING CO. HELENA, MONT.

shall be in favor, vote Aye on the voting machines; opposed, No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Please cast the ballot.

Aasheim	-	Aye	Brown	-	Aye
Anderson, J.	-	Aye	Bugbee	-	Nay
Anderson, O.	-	Aye	Burkhardt	-	Nay
Arbanas	-	Aye	Cain	-	Aye
Arness	-	Nay	Campbell	-	Nay
Aronow	-	Aye	Cate	-	Nay
Artz	-	Aye	Champoux	-	Aye
Ask	-	Aye	Choate	-	Aye
Babcock	-	Aye	Conover	-	Aye
Barnard	-	Aye	Cross	-	Absent
Bates	-	Aye	Dahood	-	Absent
Belcher	-	Aye	Davis	-	Aye
Berg	-	Aye	Delaney	-	Aye
Berthelson	-	Aye	Driscoll	-	Aye
Blaylock	-	Aye	Drum	-	Aye
Blend	-	Nay	Eck	-	Nay
Bowman	-	Aye	Erdmann	-	Aye
Brazier	-	Aye	Eskildsen	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Etchart	-	Aye	Mansfield	-	Aye
2	Felt	-	Aye	Martin	-	Aye
3	Foster	-	Aye	McCarvel	-	Aye
4	Furlong	-	Excused	McDonough	-	Aye
5	Garlington	-	Aye	McKeon	-	Nay
6	Gysler	-	Aye	McNeil	-	Nay
7	Habedank	-	Aye	Melvin	-	Nay
8	Hanson, R. S.	-	Aye	Monroe	-	Nay
9	Hanson, R.	-	Aye	Murray	-	Aye
10	Harbaugh	-	Nay	Noble	-	Aye
11	Harlow	-	Nay	Nutting	-	Aye
12	Harper	-	Nay	Payne	-	Nay
13	Harrington	-	Aye	Pemberton	-	Aye
14	Heliker	-	Nay	Rebal	-	Aye
15	Holland	-	Aye	Reichert	-	Nay
16	Jacobsen	-	Aye	Robinson	-	Nay
17	James	-	Nay	Roeder	-	Aye
18	Johnson	-	Aye	Rollins	-	Nay
19	Joyce	-	Aye	Romney	-	Aye
20	Kamhoot	-	Aye	Rygg	-	Aye
21	Kelleher	-	Nay	Scanlin	-	Nay
22	Leuthold	-	Aye	Schiltz	-	Aye
23	Loendorf	-	Nay	Siderius	-	Aye
24	Lorello	-	Nay	Simon	-	Absent
25	Mahoney	-	Nay	Skari	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Sparks	-	Nay	Vermillion	-	Nay
Speer	-	Aye	Wagner	-	Aye
Studer	-	Aye	Ward	-	Nay
Sullivan	-	Nay	Warden	-	Aye
Swanberg	-	Aye	Wilson	-	Aye
Toole	-	Aye	Woodmansey	-	Aye
Van Buskirk	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, sixty-seven Delegates voting Aye, twenty-nine No.

PRESIDENT GRAYBILL: Very well, section four. Section four is on page two and contains five subsections.

CLERK HANSON: (Reading) Section four, Duties. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as are in favor of section four, vote Aye; so many as are opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Please cast the ballot.

Aasheim	-	Aye	Arbanas	-	Aye
Anderson, J.	-	Aye	Arness	-	Nay
Anderson, O.	-	Aye	Aronow	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Artz	-	Aye	Driscoll	-	Aye
2	Ask	-	Aye	Drum	-	Aye
3	Babcock	-	Aye	Eck	-	Aye
4	Barnard	-	Aye	Erdmann	-	Aye
5	Bates	-	Aye	Eskildsen	-	Aye
6	Belcher	-	Aye	Etchart	-	Aye
7	Berg	-	Absent	Felt	-	Aye
8	Berthelson	-	Aye	Foster	-	Aye
9	Blaylock	-	Aye	Furlong	-	Excused
10	Blend	-	Aye	Garlington	-	Aye
11	Bowman	-	Nay	Gysler	-	Aye
12	Brazier	-	Aye	Habedank	-	Aye
13	Brown	-	Aye	Hanson, R. S.	-	Aye
14	Bugbee	-	Aye	Hanson, R.	-	Aye
15	Burkhardt	-	Aye	Harbaugh	-	Nay
16	Cain	-	Aye	Harlow	-	Nay
17	Campbell	-	Aye	Harper	-	Aye
18	Cate	-	Aye	Harrington	-	Aye
19	Champoux	-	Aye	Heliker	-	Aye
20	Choate	-	Aye	Holland	-	Aye
21	Conover	-	Aye	Jacobsen	-	Aye
22	Cross	-	Absent	James	-	Aye
23	Dahood	-	Absent	Johnson	-	Aye
24	Davis	-	Aye	Joyce	-	Aye
25	Delaney	-	Aye	Kamhoot	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.

Kelleher	-	Nay	Rollins	-	Aye
Leuthold	-	Aye	Romney	-	Aye
Loendorf	-	Aye	Rygg	-	Aye
Lorello	-	Aye	Scanlin	-	Nay
Mahoney	-	Nay	Schiltz	-	Aye
Mansfield	-	Aye	Siderius	-	Aye
Martin	-	Aye	Simon	-	Absent
McCarvel	-	Aye	Skari	-	Aye
McDonough	-	Aye	Sparks	-	Aye
McKeon	-	Aye	Speer	-	Aye
McNeil	-	Aye	Studer	-	Aye
Melvin	-	Aye	Sullivan	-	Aye
Monroe	-	Aye	Swanberg	-	Aye
Murray	-	Aye	Toole	-	Aye
Noble	-	Aye	Van Buskirk	-	Aye
Nutting	-	Aye	Vermillion	-	Aye
Payne	-	Aye	Wagner	-	Aye
Pemberton	-	Aye	Ward	-	Nay
Rebal	-	Aye	Warden	-	Nay
Reichert	-	Aye	Wilson	-	Aye
Robinson	-	Nay	Woodmansey	-	Aye
Roeder	-	Nay	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-four Delegates voting Aye, eleven voting No.

PRESIDENT GRAYBILL: Very well, section five, con-

STATE PUBLISHING CO. HELENA, MONT.

taining two articles -- two subsections.

CLERK HANSON: (Reading) Section five, Compensation. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section five, vote Aye; opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Please cast the ballot.

Aasheim - Aye	Berthelson - Aye
Anderson, J. - Aye	Blaylock - Aye
Anderson, O. - Aye	Blend - Aye
Arbanas - Aye	Bowman - Aye
Arness - Aye	Brazier - Aye
Aronow - Aye	Brown - Aye
Artz - Aye	Bugbee - Aye
Ask - Aye	Burkhardt - Aye
Babcock - Aye	Cain - Aye
Barnard - Aye	Campbell - Aye
Bates - Aye	Cate - Aye
Belcher - Aye	Champoux - Absent
Berg - Aye	Choate - Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Conover	-	Aye	Jacobsen	-	Aye
2	Cross	-	Absent	James	-	Aye
3	Dahood	-	Absent	Johnson	-	Aye
4	Davis	-	Aye	Joyce	-	Aye
5	Delaney	-	Aye	Kamhoot	-	Aye
6	Driscoll	-	Aye	Kelleher	-	Nay
7	Drum	-	Aye	Leuthold	-	Aye
8	Eck	-	Aye	Loendorf	-	Aye
9	Erdmann	-	Aye	Lorello	-	Aye
10	Eskildsen	-	Aye	Mahoney	-	Aye
11	Etchart	-	Aye	Mansfield	-	Absent
12	Felt	-	Aye	Martin	-	Aye
13	Foster	-	Aye	McCarvel	-	Nay
14	Furlong	-	Excused	McDonough	-	Aye
15	Garlington	-	Aye	McKeon	-	Aye
16	Gysler	-	Aye	McNeil	-	Aye
17	Habedank	-	Aye	Melvin	-	Aye
18	Hanson, R. S.	-	Aye	Monroe	-	Aye
19	Hanson, R.	-	Aye	Murray	-	Aye
20	Harbaugh	-	Nay	Noble	-	Aye
21	Harlow	-	Aye	Nutting	-	Aye
22	Harper	-	Aye	Payne	-	Aye
23	Harrington	-	Aye	Pemberton	-	Aye
24	Heliker	-	Aye	Rebal	-	Aye
25	Holland	-	Aye	Reichert	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Robinson	-	Aye	Studer	-	Aye
Roeder	-	Absent	Sullivan	-	Aye
Rollins	-	Aye	Swanberg	-	Aye
Romney	-	Nay	Toole	-	Absent
Rygg	-	Aye	Van Buskirk	-	Aye
Scanlin	-	Aye	Vermillion	-	Aye
Schiltz	-	Aye	Wagner	-	Aye
Siderius	-	Aye	Ward	-	Aye
Simon	-	Aye	Warden	-	Aye
Skari	-	Aye	Wilson	-	Aye
Sparks	-	Aye	Woodmansey	-	Aye
Speer	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-nine Delegates voting Aye, four voting No.

PRESIDENT GRAYBILL: Very well, section six.

CLERK HANSON: (Reading) Section six, Vacancy in Office. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section six, please vote Aye on the voting machines and opposed, No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: Please cast the ballot.

Aasheim	- Aye	Champoux	- Aye
Anderson, J.	- Aye	Choate	- Aye
Anderson, O.	- Aye	Conover	- Aye
Arbanas	- Aye	Cross	- Aye
Arness	- Aye	Dahood	- Absent
Aronow	- Aye	Davis	- Absent
Artz	- Aye	Delaney	- Aye
Ask	- Aye	Driscoll	- Aye
Babcock	- Aye	Drum	- Aye
Barnard	- Aye	Eck	- Aye
Bates	- Aye	Erdmann	- Aye
Belcher	- Aye	Eskildsen	- Aye
Berg	- Aye	Etchart	- Aye
Berthelson	- Aye	Felt	- Aye
Blaylock	- Aye	Foster	- Aye
Blend	- Absent	Furlong	- Excused
Bowman	- Aye	Garlington	- Absent
Brazier	- Aye	Gysler	- Aye
Brown	- Aye	Habedank	- Aye
Bugbee	- Aye	Hanson, R. S.	- Aye
Burkhardt	- Aye	Hanson, R.	- Aye
Cain	- Aye	Harbaugh	- Nay
Campbell	- Aye	Harlow	- Aye
Cate	- Aye	Harper	- Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Harrington	-	Aye	Pemberton	-	Aye
2	Heliker	-	Aye	Rebal	-	Aye
3	Holland	-	Aye	Reichert	-	Aye
4	Jacobsen	-	Aye	Robinson	-	Aye
5	James	-	Aye	Roeder	-	Aye
6	Johnson	-	Aye	Rollins	-	Aye
7	Joyce	-	Aye	Romney	-	Aye
8	Kamhoot	-	Aye	Rygg	-	Aye
9	Kelleher	-	Nay	Scanlin	-	Aye
10	Leuthold	-	Aye	Schiltz	-	Aye
11	Loendorf	-	Aye	Siderius	-	Aye
12	Lorello	-	Aye	Simon	-	Aye
13	Mahoney	-	Nay	Skari	-	Aye
14	Mansfield	-	Aye	Sparks	-	Aye
15	Martin	-	Aye	Speer	-	Aye
16	McCarvel	-	Aye	Studer	-	Aye
17	McDonough	-	Aye	Sullivan	-	Aye
18	McKeon	-	Aye	Swanberg	-	Aye
19	McNeil	-	Aye	Toole	-	Aye
20	Melvin	-	Aye	Van Buskirk	-	Aye
21	Monroe	-	Aye	Vermillion	-	Aye
22	Murray	-	Aye	Wagner	-	Aye
23	Noble	-	Aye	Ward	-	Aye
24	Nutting	-	Aye	Warden	-	Aye
25	Payne	-	Aye	Wilson	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Woodmansey - Aye Mr. President - Aye

CLERK HANSON: Mr. President, eighty-two Delegates voting Aye, three voting No.

JOURNAL CLERK ACHER: Ninety-two.

CLERK HANSON: Ninety-two voting Aye, three voting No.

PRESIDENT GRAYBILL: Ninety-two, very well. Section seven.

CLERK HANSON: (Reading) Section seven, Twenty Departments. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section seven, vote Aye on the voting machines; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, cast the ballot.

Aasheim - Aye	Artz - Aye
Anderson, J. - Aye	Ask - Aye
Anderson, O. - Aye	Babcock - Aye
Arbanas - Aye	Barnard - Aye
Arness - Aye	Bates - Nay
Aronow - Aye	Belcher - Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Berg	-	Aye	Gelt	-	Aye
2	Berthelson	-	Aye	Foster	-	Aye
3	Blaylock	-	Aye	Furlong	-	Excused
4	Blend	-	Aye	Garlington	-	Aye
5	Bowman	-	Aye	Gysler	-	Aye
6	Brazier	-	Aye	Habedank	-	Aye
7	Brown	-	Aye	Hanson, R. S.	-	Aye
8	Bugbee	-	Aye	Hanson, R.	-	Aye
9	Burkhardt	-	Aye	Harbaugh	-	Nay
10	Cain	-	Aye	Harlow	-	Nay
11	Campbell	-	Aye	Harper	-	Aye
12	Cate	-	Aye	Harrington	-	Aye
13	Champoux	-	Aye	Heliker	-	Aye
14	Choate	-	Aye	Holland	-	Aye
15	Conover	-	Aye	Jacobsen	-	Aye
16	Cross	-	Aye	James	-	Aye
17	Dahood	-	Absent	Johnson	-	Nay
18	Davis	-	Aye	Joyce	-	Aye
19	Delaney	-	Aye	Kamhoot	-	Nay
20	Driscoll	-	Nay	Kelleher	-	Nay
21	Drum	-	Aye	Leuthold	-	Aye
22	Eck	-	Aye	Loendorf	-	Aye
23	Erdmann	-	Aye	Lorello	-	Aye
24	Eskildsen	-	Aye	Mahoney	-	Nay
25	Etchart	-	Aye	Mansfield	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Martin	-	Aye	Scanlin	-	Aye
McCarvel	-	Aye	Schiltz	-	Aye
McDonough	-	Aye	Siderius	-	Aye
McKeon	-	Aye	Simon	-	Aye
McNeil	-	Aye	Skari	-	Aye
Melvin	-	Aye	Sparks	-	Aye
Monroe	-	Nay	Speer	-	Aye
Murray	-	Aye	Studer	-	Aye
Noble	-	Aye	Sullivan	-	Aye
Nutting	-	Nay	Swanberg	-	Aye
Payne	-	Aye	Toole	-	Aye
Pemberton	-	Aye	Van Buskirk	-	Aye
Rebal	-	Aye	Vermillion	-	Aye
Reichert	-	Aye	Wagner	-	Aye
Robinson	-	Aye	Ward	-	Nay
Roeder	-	Aye	Warden	-	Aye
Rollins	-	Nay	Wilson	-	Nay
Romney	-	Aye	Woodmansey	-	Aye
Rygg	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-five Delegates voting Aye, thirteen voting No.

PRESIDENT GRAYBILL: Ladies and gentlemen, some of you have requested the Pages to send up for certain of these votes. Now, you certainly can have them but they all have to be separated. They're put together. Rosemary has to record

STATE PUBLISHING CO. HELENA, MONT.

them in the journal. They'll all be available at the Clerk's office this afternoon or I think at the recess, noon recess. It's just about impossible. And if you really want one, you'd better come up yourself and look at it and go back, but it's not possible to send you copies or lend them to you yet until we have recorded them. It's quite a job for the journal to record them all. Very well, section eight.

CLERK HANSON: (Reading) Section eight, Appointing Power. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Section eight consists of four subsections. All in favor of section eight vote Aye on the voting machines and opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Close the ballot.

Aasheim	-	Aye	Ask	-	Aye
Anderson, J.	-	Aye	Babcock	-	Aye
Anderson, O.	-	Aye	Barnard	-	Aye
Arbanas	-	Aye	Bates	-	Aye
Arness	-	Aye	Belcher	-	Aye
Aronow	-	Aye	Berg	-	Aye
Artz	-	Aye	Berthelson	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Blaylock	-	Aye	Furlong	-	Excused
Blend	-	Aye	Garlington	-	Aye
Bowman	-	Aye	Gysler	-	Aye
Brazier	-	Aye	Habedank	-	Aye
Brown	-	Aye	Hanson, R. S.	-	Aye
Bugbee	-	Aye	Hanson, R.	-	Aye
Burkhardt	-	Aye	Harbaugh	-	Nay
Cain	-	Aye	Harlow	-	Aye
Campbell	-	Aye	Harper	-	Aye
Cate	-	Absent	Harrington	-	Aye
Champoux	-	Aye	Heliker	-	Nay
Choate	-	Aye	Holland	-	Aye
Conover	-	Aye	Jacobsen	-	Aye
Cross	-	Aye	James	-	Aye
Dahood	-	Absent	Johnson	-	Nay
Davis	-	Aye	Joyce	-	Aye
Delaney	-	Aye	Kamhoot	-	Nay
Driscoll	-	Aye	Kelleher	-	Nay
Drum	-	Aye	Leuthold	-	Aye
Eck	-	Aye	Loendorf	-	Aye
Erdmann	-	Aye	Lorello	-	Aye
Eskildsen	-	Aye	Mahoney	-	Nay
Etchart	-	Aye	Mansfield	-	Aye
Felt	-	Aye	Martin	-	Aye
Foster	-	Aye	McCarvel	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

McDonough	-	Aye	Schiltz	-	Aye
McKeon	-	Aye	Siderius	-	Aye
McNeil	-	Aye	Simon	-	Aye
Melvin	-	Aye	Skari	-	Aye
Monroe	-	Aye	Sparks	-	Absent
Murray	-	Aye	Speer	-	Aye
Noble	-	Aye	Studer	-	Aye
Nutting	-	Nay	Sullivan	-	Aye
Payne	-	Aye	Swanberg	-	Aye
Pemberton	-	Aye	Toole	-	Aye
Rebal	-	Absent	Van Buskirk	-	Aye
Reichert	-	Aye	Vermillion	-	Aye
Robinson	-	Aye	Wagner	-	Aye
Roeder	-	Aye	Ward	-	Aye
Rollins	-	Aye	Warden	-	Aye
Romney	-	Aye	Wilson	-	Nay
Rygg	-	Aye	Woodmansey	-	Aye
Scanlin	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-seven Delegates voting Aye, eight voting No.

PRESIDENT GRAYBILL: Very well, section nine.

CLERK HANSON: (Reading) Section nine, Budget and Messages. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor

STATE PUBLISHING CO. HELENA, MONT.

of section nine, vote Aye on the voting machines; opposed, No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Brown	-	Aye
Anderson, J.	-	Aye	Bugbee	-	Aye
Anderson, O.	-	Aye	Burkhardt	-	Aye
Arbanas	-	Aye	Cain	-	Aye
Arness	-	Aye	Campbell	-	Aye
Aronow	-	Aye	Cate	-	Aye
Artz	-	Aye	Champoux	-	Aye
Ask	-	Aye	Choate	-	Aye
Babcock	-	Aye	Conover	-	Aye
Barnard	-	Aye	Cross	-	Aye
Bates	-	Aye	Dahood	-	Absent
Belcher	-	Aye	Davis	-	Aye
Berg	-	Aye	Delaney	-	Aye
Berthelson	-	Aye	Driscoll	-	Aye
Blaylock	-	Aye	Drum	-	Aye
Blend	-	Aye	Eck	-	Aye
Bowman	-	Aye	Erdmann	-	Aye
Brazier	-	Aye	Eskildsen	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Etchart	-	Aye	Mansfield	-	Aye
2	Felt	-	Aye	Martin	-	Absent
3	Foster	-	Aye	McCarvel	-	Aye
4	Furlong	-	Excused	McDonough	-	Aye
5	Garlington	-	Aye	McKeon	-	Aye
6	Gysler	-	Aye	McNeil	-	Aye
7	Habedank	-	Aye	Melvin	-	Aye
8	Hanson, R. S.	-	Aye	Monroe	-	Aye
9	Hanson, R.	-	Aye	Murray	-	Aye
10	Harbaugh	-	Nay	Noble	-	Aye
11	Harlow	-	Aye	Nutting	-	Aye
12	Harper	-	Aye	Payne	-	Aye
13	Harrington	-	Aye	Pemberton	-	Aye
14	Heliker	-	Aye	Rebal	-	Aye
15	Holland	-	Aye	Reichert	-	Aye
16	Jacobsen	-	Aye	Robinson	-	Aye
17	James	-	Aye	Roeder	-	Aye
18	Johnson	-	Aye	Rollins	-	Aye
19	Joyce	-	Aye	Romney	-	Aye
20	Kamhoot	-	Aye	Rygg	-	Aye
21	Kelleher	-	Nay	Scanlin	-	Aye
22	Leuthold	-	Aye	Schiltz	-	Aye
23	Loendorf	-	Aye	Siderius	-	Aye
24	Lorello	-	Aye	Simon	-	Aye
25	Mahoney	-	Aye	Skari	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Sparks	-	Aye	Vermillion	-	Aye
Speer	-	Aye	Wagner	-	Aye
Studer	-	Aye	Ward	-	Aye
Sullivan	-	Aye	Warden	-	Aye
Swanberg	-	Aye	Wilson	-	Aye
Toole	-	Aye	Woodmansey	-	Aye
Van Buskirk	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, ninety-five Delegates voting Aye, two voting No.

PRESIDENT GRAYBILL: Very well, section ten, consisting of five subsections.

CLERK HANSON: (Reading) Section ten, Veto Power. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as are in favor of section ten, vote Aye; so many as are opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Arbanas	-	Aye
Anderson, J.	-	Aye	Arness	-	Aye
Anderson, O.	-	Aye	Aronow	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Artz	-	Aye	Driscoll	-	Aye
2	Ask	-	Aye	Drum	-	Aye
3	Babcock	-	Aye	Eck	-	Aye
4	Barnard	-	Aye	Erdmann	-	Aye
5	Bates	-	Aye	Eskildsen	-	Aye
6	Belcher	-	Aye	Etchart	-	Aye
7	Berg	-	Aye	Felt	-	Aye
8	Berthelson	-	Aye	Foster	-	Aye
9	Blaylock	-	Aye	Furlong	-	Excused
10	Blend	-	Aye	Garlington	-	Aye
11	Bowman	-	Aye	Gysler	-	Aye
12	Brazier	-	Aye	Habedank	-	Aye
13	Brown	-	Aye	Hanson, R. S.	-	Aye
14	Bugbee	-	Aye	Hanson, R.	-	Aye
15	Burkhardt	-	Aye	Harbaugh	-	Nay
16	Cain	-	Aye	Harlow	-	Aye
17	Campbell	-	Aye	Harper	-	Aye
18	Cate	-	Aye	Harrington	-	Aye
19	Champoux	-	Aye	Heliker	-	Nay
20	Choate	-	Aye	Holland	-	Aye
21	Conover	-	Aye	Jacobsen	-	Aye
22	Cross	-	Aye	James	-	Aye
23	Dahood	-	Absent	Johnson	-	Aye
24	Davis	-	Aye	Joyce	-	Aye
25	Delaney	-	Aye	Kamhoot	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Kelleher	-	Nay	Rollins	-	Nay
Leuthold	-	Aye	Romney	-	Aye
Loendorf	-	Aye	Rygg	-	Aye
Lorello	-	Aye	Scanlin	-	Aye
Mahoney	-	Aye	Schiltz	-	Aye
Mansfield	-	Aye	Siderius	-	Aye
Martin	-	Aye	Simon	-	Aye
McCarvel	-	Aye	Skari	-	Aye
McDonough	-	Aye	Sparks	-	Aye
McKeon	-	Aye	Speer	-	Aye
McNeil	-	Aye	Studer	-	Aye
Melvin	-	Aye	Sullivan	-	Aye
Monroe	-	Aye	Swanberg	-	Aye
Murray	-	Aye	Toole	-	Aye
Noble	-	Aye	Van Buskirk	-	Aye
Nutting	-	Aye	Vermillion	-	Aye
Payne	-	Aye	Wagner	-	Aye
Pemberton	-	Aye	Ward	-	Aye
Rebal	-	Aye	Warden	-	Aye
Reichert	-	Aye	Wilson	-	Aye
Robinson	-	Aye	Woodmansey	-	Aye
Roeder	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, ninety-four Delegates voting Aye, four voting No.

PRESIDENT GRAYBILL: Very well, section eleven.

STATE PUBLISHING CO. HELENA, MONT.

CLERK HANSON: (Reading) Section eleven, Special Session. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section eleven, vote Aye on the voting machines and opposed, No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	-	Aye	Blaylock	-	Aye
Anderson, J.	-	Aye	Blend	-	Aye
Anderson, O.	-	Aye	Bowman	-	Aye
Arbanas	-	Aye	Brazier	-	Aye
Arness	-	Aye	Brown	-	Aye
Aronow	-	Aye	Bugbee	-	Aye
Artz	-	Aye	Burkhardt	-	Aye
Ask	-	Aye	Cain	-	Aye
Babcock	-	Aye	Campbell	-	Aye
Barnard	-	Absent	Cate	-	Aye
Bates	-	Aye	Champoux	-	Aye
Belcher	-	Aye	Choate	-	Aye
Berg	-	Aye	Conover	-	Aye
Berthelson	-	Aye	Cross	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Dahood	-	Absent	Johnson	-	Aye
2	Davis	-	Aye	Joyce	-	Aye
3	Delaney	-	Aye	Kamhoot	-	Aye
4	Driscoll	-	Aye	Kelleher	-	Nay
5	Drum	-	Aye	Leuthold	-	Aye
6	Eck	-	Aye	Loendorf	-	Nay
7	Erdmann	-	Aye	Lorello	-	Aye
8	Eskildsen	-	Aye	Mahoney	-	Aye
9	Etchart	-	Aye	Mansfield	-	Aye
10	Felt	-	Aye	Martin	-	Aye
11	Foster	-	Aye	McCarvel	-	Aye
12	Furlong	-	Excused	McDonough	-	Aye
13	Garlington	-	Aye	McKeon	-	Aye
14	Gysler	-	Aye	McNeil	-	Aye
15	Habedank	-	Aye	Melvin	-	Aye
16	Hanson, R. S.	-	Aye	Monroe	-	Nay
17	Hanson, R.	-	Aye	Murray	-	Aye
18	Harbaugh	-	Nay	Noble	-	Aye
19	Harlow	-	Aye	Nutting	-	Aye
20	Harper	-	Aye	Payne	-	Aye
21	Harrington	-	Aye	Pemberton	-	Aye
22	Heliker	-	Aye	Rebal	-	Aye
23	Holland	-	Aye	Reichert	-	Aye
24	Jacobsen	-	Aye	Robinson	-	Aye
25	James	-	Aye	Roeder	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Rollins	-	Aye	Sullivan	-	Aye
Romney	-	Aye	Swanberg	-	Aye
Rygg	-	Aye	Toole	-	Aye
Scanlin	-	Aye	Van Buskirk	-	Aye
Schiltz	-	Aye	Vermillion	-	Aye
Siderius	-	Aye	Wagner	-	Aye
Simon	-	Aye	Ward	-	Aye
Skari	-	Aye	Warden	-	Aye
Sparks	-	Aye	Wilson	-	Aye
Speer	-	Aye	Woodmansey	-	Aye
Studer	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, ninety-three Delegates voting Aye, four voting No.

PRESIDENT GRAYBILL: Very well, section twelve.

CLERK HANSON: (Reading) Section twelve, Pardons. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section twelve, vote Aye on the voting machines, and opposed, No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Anyone want to change their vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

STATE PUBLISHING CO. HELENA, MONT.

1	Aasheim	-	Aye	Choate	-	Aye
2	Anderson, J.	-	Aye	Conover	-	Aye
3	Anderson, O.	-	Aye	Cross	-	Aye
4	Arbanas	-	Aye	Dahood	-	Absent
5	Arness	-	Aye	Davis	-	Aye
6	Aronow	-	Aye	Delaney	-	Aye
7	Artz	-	Aye	Driscoll	-	Aye
8	Ask	-	Aye	Drum	-	Aye
9	Babcock	-	Aye	Eck	-	Aye
10	Barnard	-	Aye	Erdmann	-	Aye
11	Bates	-	Aye	Eskildsen	-	Aye
12	Belcher	-	Aye	Etchart	-	Aye
13	Berg	-	Aye	Felt	-	Aye
14	Berthelson	-	Aye	Foster	-	Aye
15	Blaylock	-	Aye	Furlong	-	Excused
16	Blend	-	Aye	Garlington	-	Aye
17	Bowman	-	Aye	Gysler	-	Aye
18	Brazier	-	Aye	Habedank	-	Aye
19	Brown	-	Aye	Hanson, R. S.	-	Aye
20	Bugbee	-	Aye	Hanson, R.	-	Aye
21	Burkhardt	-	Aye	Harbaugh	-	Nay
22	Cain	-	Aye	Harlow	-	Aye
23	Campbell	-	Aye	Harper	-	Aye
24	Cate	-	Aye	Harrington	-	Aye
25	Champoux	-	Absent	Heliker	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Holland	-	Aye	Reichert	-	Aye
2	Jacobsen	-	Aye	Robinson	-	Aye
3	James	-	Aye	Roeder	-	Aye
4	Johnson	-	Aye	Rollins	-	Aye
5	Joyce	-	Aye	Romney	-	Aye
6	Kamhoot	-	Aye	Rygg	-	Aye
7	Kelleher	-	Aye	Scanlin	-	Aye
8	Leuthold	-	Aye	Schiltz	-	Aye
9	Loendorf	-	Aye	Siderius	-	Aye
10	Lorello	-	Aye	Simon	-	Aye
11	Mahoney	-	Aye	Skari	-	Aye
12	Mansfield	-	Aye	Sparks	-	Aye
13	Martin	-	Aye	Speer	-	Aye
14	McCarvel	-	Aye	Studer	-	Aye
15	McDonough	-	Aye	Sullivan	-	Absent
16	McKeon	-	Aye	Swanberg	-	Aye
17	McNeil	-	Aye	Toole	-	Aye
18	Melvin	-	Aye	Van Buskirk	-	Aye
19	Monroe	-	Nay	Vermillion	-	Aye
20	Murray	-	Aye	Wagner	-	Aye
21	Noble	-	Aye	Ward	-	Aye
22	Nutting	-	Aye	Warden	-	Aye
23	Payne	-	Aye	Wilson	-	Aye
24	Pemberton	-	Aye	Woodmansey	-	Aye
25	Rebal	-	Aye	Mr. President	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

CLERK HANSON: Mr. President, ninety-four Delegates voting Aye, two voting No.

PRESIDENT GRAYBILL: Very well, section thirteen.

CLERK HANSON: (Reading) Section thirteen, Militia. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Militia consists of two sub-sections. So many as shall favor it, vote Aye; so many as are opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, cast the ballot.

Aasheim	-	Aye	Belcher	-	Aye
Anderson, J.	-	Aye	Berg	-	Aye
Anderson, O.	-	Absent	Berthelson	-	Aye
Arbanas	-	Aye	Blaylock	-	Aye
Arness	-	Aye	Blend	-	Aye
Aronow	-	Aye	Bowman	-	Nay
Artz	-	Nay	Brazier	-	Nay
Ask	-	Aye	Brown	-	Aye
Babcock	-	Aye	Bugbee	-	Aye
Barnard	-	Aye	Burkhardt	-	Aye
Bates	-	Aye	Cain	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Campbell	-	Aye	Harper	-	Nay
2	Cate	-	Aye	Harrington	-	Aye
3	Champoux	-	Absent	Heliker	-	Aye
4	Choate	-	Aye	Holland	-	Aye
5	Conover	-	Aye	Jacobsen	-	Aye
6	Cross	-	Aye	James	-	Aye
7	Dahood	-	Absent	Johnson	-	Aye
8	Davis	-	Aye	Joyce	-	Aye
9	Delaney	-	Aye	Kamhoot	-	Aye
10	Driscoll	-	Aye	Kelleher	-	Aye
11	Drum	-	Absent	Leuthold	-	Aye
12	Eck	-	Aye	Loendorf	-	Aye
13	Erdmann	-	Aye	Lorello	-	Aye
14	Eskildsen	-	Aye	Mahoney	-	Aye
15	Etchart	-	Aye	Mansfield	-	Aye
16	Felt	-	Aye	Martin	-	Aye
17	Foster	-	Aye	McCarvel	-	Aye
18	Furlong	-	Excused	McDonough	-	Aye
19	Garlington	-	Aye	McKeon	-	Aye
20	Gysler	-	Aye	McNeil	-	Aye
21	Habedank	-	Aye	Melvin	-	Aye
22	Hanson, R. S.	-	Aye	Monroe	-	Aye
23	Hanson, R.	-	Aye	Murray	-	Aye
24	Harbaugh	-	Nay	Noble	-	Aye
25	Harlow	-	Aye	Nutting	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Payne	-	Aye	Sparks	-	Nay
Pemberton	-	Aye	Speer	-	Aye
Rebal	-	Aye	Studer	-	Aye
Reichert	-	Nay	Sullivan	-	Nay
Robinson	-	Nay	Swanberg	-	Aye
Roeder	-	Aye	Toole	-	Aye
Rollins	-	Nay	Van Buskirk	-	Aye
Romney	-	Nay	Vermillion	-	Aye
Rygg	-	Aye	Wagner	-	Aye
Scanlin	-	Nay	Ward	-	Aye
Schiltz	-	Aye	Warden	-	Aye
Siderius	-	Aye	Wilson	-	Aye
Simon	-	Aye	Woodmansey	-	Aye
Skari	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-three Delegates voting Aye, twelve voting No.

PRESIDENT GRAYBILL: Very well, section thirteen is finished. Section fourteen.

CLERK HANSON: (Reading) Section fourteen, Succession. (End reading)

PRESIDENT GRAYBILL: Section fourteen consists of eight subsections on page six and seven. So many as shall favor section fourteen, vote Aye on the voting machine; opposed, No. Any Delegate wish to change his vote?

(No response)

STATE PUBLISHING CO. HELENA, MONT.

PRESIDENT GRAYBILL: All the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Campbell	- Aye
Anderson, J.	- Aye	Cate	- Aye
Anderson, O.	- Aye	Champoux	- Absent
Arbanas	- Aye	Choate	- Aye
Arness	- Aye	Conover	- Aye
Aronow	- Aye	Cross	- Aye
Artz	- Aye	Dahood	- Absent
Ask	- Aye	Davis	- Aye
Babcock	- Aye	Delaney	- Aye
Barnard	- Aye	Driscoll	- Aye
Bates	- Aye	Drum	- Absent
Belcher	- Aye	Eck	- Aye
Berg	- Aye	Erdmann	- Aye
Berthelson	- Aye	Eskildsen	- Aye
Blaylock	- Aye	Etchart	- Aye
Blend	- Aye	Felt	- Aye
Bowman	- Aye	Foster	- Aye
Brazier	- Aye	Furlong	- Excused
Brown	- Aye	Garlington	- Aye
Bugbee	- Aye	Gysler	- Aye
Burkhardt	- Aye	Habedank	- Aye
Cain	- Aye	Hanson, R. S.	- Aye

STATE PUBLISHING CO. HELENA, MONT. 3

1	Hanson, R.	-	Aye	Murray	-	Aye
2	Harbaugh	-	Nay	Noble	-	Aye
3	Harlow	-	Aye	Nutting	-	Aye
4	Harper	-	Aye	Payne	-	Aye
5	Harrington	-	Aye	Pemberton	-	Aye
6	Heliker	-	Aye	Rebal	-	Aye
7	Holland	-	Aye	Reichert	-	Aye
8	Jacobsen	-	Aye	Robinson	-	Aye
9	James	-	Aye	Roeder	-	Aye
10	Johnson	-	Aye	Rollins	-	Aye
11	Joyce	-	Aye	Romney	-	Aye
12	Kamhoot	-	Aye	Rygg	-	Aye
13	Kelleher	-	Nay	Scanlin	-	Aye
14	Leuthold	-	Aye	Schiltz	-	Aye
15	Loendorf	-	Aye	Siderius	-	Aye
16	Lorello	-	Aye	Simon	-	Aye
17	Mahoney	-	Nay	Skari	-	Aye
18	Mansfield	-	Nay	Sparks	-	Aye
19	Martin	-	Aye	Speer	-	Aye
20	McCarvel	-	Aye	Studer	-	Aye
21	McDonough	-	Aye	Sullivan	-	Aye
22	McKeon	-	Aye	Swanberg	-	Aye
23	McNeil	-	Aye	Toole	-	Absent
24	Melvin	-	Aye	Van Buskirk	-	Aye
25	Monroe	-	Aye	Vermillion	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Wagner	-	Aye	Wilson	-	Aye
Ward	-	Aye	Woodmansey	-	Aye
Warden	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, ninety-one Delegates voting Aye, four voting No.

PRESIDENT GRAYBILL: Very well, section fifteen, consisting of three subsections.

CLERK HANSON: (Reading) Section fifteen, Information for Governor. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall favor section fifteen, vote Aye; and so many as shall oppose, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate want to change his vote?

Mrs. Speer.

DELEGATE SPEER: I regret that my attention was diverted on that section three. I want --

PRESIDENT GRAYBILL: For what purpose do you rise, Mrs. Speer?

DELEGATE SPEER: To explain my vote, Mr. President.

PRESIDENT GRAYBILL: Very well, explain it.

DELEGATE SPEER: Oh, thank you. I regret that I was diverted when I was voting on section three. I wish there

STATE PUBLISHING CO. HELENA, MONT.

to be a record that I am opposed, that I wanted to vote Nay on section three, consistent with my original vote.

PRESIDENT GRAYBILL: Mrs. Speer, I think you're talking about basically section three, not subsection three.

DELEGATE SPEER: Section three.

PRESIDENT GRAYBILL: All right. Well, the record may show -- the transcript will show your objection, but you're not really explaining your vote because you have to do that before it's closed. I have closed the vote on section fifteen. Will the Clerk please take the vote on fifteen?

Aasheim	-	Aye	Blend	-	Aye
Anderson, J.	-	Aye	Bowman	-	Aye
Anderson, O.	-	Aye	Brazier	-	Aye
Arbanas	-	Aye	Brown	-	Aye
Arness	-	Aye	Bugbee	-	Aye
Aronow	-	Aye	Burkhardt	-	Aye
Artz	-	Aye	Cain	-	Aye
Ask	-	Aye	Campbell	-	Aye
Babcock	-	Aye	Cate	-	Aye
Barnard	-	Aye	Champoux	-	Aye
Bates	-	Aye	Choate	-	Aye
Belcher	-	Aye	Conover	-	Aye
Berg	-	Aye	Cross	-	Aye
Berthelson	-	Aye	Dahood	-	Absent
Blaylock	-	Aye	Davis	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Delaney	-	Aye	Kamhoot	-	Aye
2	Driscoll	-	Aye	Kelleher	-	Nay
3	Drum	-	Absent	Leuthold	-	Aye
4	Eck	-	Aye	Loendorf	-	Aye
5	Erdmann	-	Aye	Lorello	-	Aye
6	Eskildsen	-	Aye	Mahoney	-	Aye
7	Etchart	-	Aye	Mansfield	-	Aye
8	Felt	-	Aye	Martin	-	Aye
9	Foster	-	Aye	McCarvel	-	Aye
10	Furlong	-	Excused	McDonough	-	Aye
11	Garlington	-	Aye	McKeon	-	Aye
12	Gysler	-	Aye	McNeil	-	Aye
13	Habedank	-	Aye	Melvin	-	Aye
14	Hanson, R. S.	-	Aye	Monroe	-	Aye
15	Hanson, R.	-	Aye	Murray	-	Aye
16	Harbaugh	-	Nay	Noble	-	Aye
17	Harlow	-	Aye	Nutting	-	Aye
18	Harper	-	Aye	Payne	-	Aye
19	Harrington	-	Absent	Pemberton	-	Aye
20	Heliker	-	Absent	Rebal	-	Aye
21	Holland	-	Aye	Reichert	-	Aye
22	Jacobsen	-	Aye	Robinson	-	Aye
23	James	-	Aye	Roeder	-	Aye
24	Johnson	-	Aye	Rollins	-	Nay
25	Joyce	-	Aye	Romney	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.

Rygg	-	Aye	Swanberg	-	Aye
Scanlin	-	Aye	Toole	-	Aye
Schiltz	-	Aye	Van Buskirk	-	Aye
Siderius	-	Aye	Vermillion	-	Aye
Simon	-	Aye	Wagner	-	Aye
Skari	-	Aye	Ward	-	Aye
Sparks	-	Aye	Warden	-	Aye
Speer	-	Aye	Wilson	-	Aye
Studer	-	Aye	Woodmansey	-	Aye
Sullivan	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, ninety-two Delegates voting Aye, three voting No.

PRESIDENT GRAYBILL: Members of the body, you have sustained the sections of the Executive article and the Chair will re-refer it to Style and Drafting for inclusion in the final --

Mr. Mahoney.

DELEGATE MAHONEY: Mr. President, as a point of information, I know -- I think Miss Speer -- and I don't have any objection but I think it would be better in the future if they would wait until after the roll call is completed and then it will show definitely what section, as we had a sub-section three in this, and I sure hope that maybe it would show afterwards it would be better.

PRESIDENT GRAYBILL: Well, first of all, the Chair

STATE PUBLISHING CO. HELENA, MONT.

will refer this back to Style and Drafting. Now, secondly, the Chair would like to say it's been a little bit of a rough morning but at least you begin to see that when you adopt it, it sometimes can get tough, too. And I would like to suggest to you all that I think perhaps some of us didn't pay enough attention beforehand. If you'll read over these when they come and mark in the margins the ones you intend to vote against, then we'll go along much more smoothly and there won't be any problems. I realize that it's difficult to follow and read all of this, but I think you can appreciate that it would be very difficult if we read everything in full, too, and took a lot of time. So, why don't you read it over and mark the ones that you want to be careful on and then the rest of them you can vote straight through on. And the Chair does let you explain your vote if you get up before the vote is shut off, and then we'll hold it open while you explain it, but once the vote is cast, we can't back off of it. And, then, the Chair will let you do a second thing--namely, we'll let you explain it so that the transcript shows what you meant. Very well.

Mr. Murray.

DELEGATE MURRAY: Mr. President, just one remark before I make my motion. Most of us don't have any difficulty staying on the floor during this order of business and I appreciate the fact that you do stay. If you do leave the floor, I would appreciate it if you'd let somebody know where you are

STATE PUBLISHING CO. HELENA, MONT.

so we can find you because sometimes, as you can see, these things get suddenly very critical and without knowing where you are, it really slows us down, and I thank you for your consideration this morning. I hope that my remarks did not mean to indicate that I was lobbying one side or the other on that particular issue, because I was not. I just wanted you to realize the serious ramifications of the action which you took and that this is no stage at which to play. Now, Mr. President, I move we advance to Order of Business Number Ten.

PRESIDENT GRAYBILL: Very well, the motion is to advance to Order of Business Number Ten. All in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: Mr. Clerk.

CLERK HANSON: (Reading) March 10, 1972. The following committee proposals are now on General Orders: Education, Public Health, Local Government, General Government, Style and Drafting Number Five, and Style and Drafting Number Six. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So the body may know the Chair's intentions, it is the intention of the Chair to take up Education at this time. Mr. Champoux has a short opening statement and we'll take that before lunch and we'll be ready to debate

STATE PUBLISHING CO. HELENA, MONT.

after lunch.

Mr. Murray.

DELEGATE MURRAY: Mr. President, I move that the Convention resolve itself into Committee of the Whole for consideration of business under General Orders.

PRESIDENT GRAYBILL: All in favor of resolving this Convention into Committee of the Whole say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: The Ayes have it and so ordered.

(Convention resolved into Committee of the Whole. Mr. Graybill in Chair.)

CHAIRMAN GRAYBILL: You have before you the brightly colored orange folder on Education, number ten. The Chair will recognize Mr. Champoux.

DELEGATE CHAMPOUX: Mr. President, fellow Delegates, at this time I would like to stand and introduce the Education proposal. Before I do, however, in compliance with the rules, I would like to state my special interest in this case. I am a history and political science professor at Flathead Valley Community College in Kalispell. I am also chairman of the social science division there. I think if you read over the article you will find in no instance do we have any special

STATE PUBLISHING CO. HELENA, MONT.

favor cast for the community colleges. I also would like to state at this time that there were other members of the board from other levels of education -- long experience as well as board members. Also, I want to indicate that we have received widespread support for this proposal from the state superintendent of public instruction and from the M.E.A., which represents the lower education support level. Also, at this time I would like to make some corrections in the proposal. If you would go to section ten, please, on page -- well, let's do it in the front. Page six, yes. There was some things left out. If you go to line twelve, it should read after the duties of -- would you please put in this board and of -- line twelve, page six, after the duties of, it should read: this board and of the superintendent of public instruction. If you go to section five on page four, line twenty five -- section five, page four, line twenty-five. After secondary schools, we should knock out the (s), the plural schools, make it singular, and add districts -- secondary school districts. The word to add is districts. The word, districts, is plural. Now, as we go through the different sections of the proposal, on section number four, Mr. Barnard will come in with an amendment. That will be brought to the Chair and it is simply a way to correct section four so that it comes into -- excuse me, section three. If you look at section three on page four, it concerns the public school fund inviolate. Now, the last section of that is

STATE PUBLISHING CO. HELENA, MONT.

in violation with what we did under Revenue and Finance last Saturday in terms of investments. There will be an amendment from Mr. Barnard to correct this. Education occupies a place of cardinal importance in the public realm. The educational system is charged with the task of shaping and cultivating the mind of each succeeding generation and with developing the capacities for cultural and technical advancement of society. State and local governments devote a far larger share of their financial resources to the support of education than to any other single public activity. Because of this overriding importance of education, the committee recognizes the awesome task of providing the appropriate constitutional provisions necessary to protect and nurture the public educational system. Each aspect of existing and proposed constitutional language was thoroughly and deeply reflected upon by the committee in light of present and future needs. Fundamental to the committee's considerations were the twin goals of protecting the integrity of a quality educational system and allowing for flexibility to meet changes as yet unknown but which will certainly occur in future developments in the field of learning. These were our primary objectives--very difficult ones, I might say, to adhere to. In light of these aims, the committee has preserved those provisions in the existing Constitution which have proven worth and which pose no hindrance to potential developments. On the other hand, the committee has made re-

STATE
PUBLISHING CO.
HELENA, MONT.

visions in those places where it saw a definite need for constitutional improvement. Some of these changes have to do with basic aims of the educational system. Others are concerned with structural or administrative adaptations to changing conditions in education. The most significant revisions are a clear statement of educational goals of the state, a mandate for the support of education allowing increased financial flexibility -- and this was an extremely difficult one in light of the Serrano case, as we noted when we took up Revenue and Finance.-- the deletion of antiquated age and school term restrictions, and a revised administrative structure for both the public school system and for higher education. The committee views these proposed changes as vital to the quality and efficiency of education in Montana. The proposed article provides appropriate guarantees to the viability of the public school system, while leaving the way open to future transformations in the educational process. Individual members of the committee will be taking up sections. President Graybill has a list of who is assigned. At the end of this statement, I would just simply like to say that as we go through these, let's think of the present generation of young Montanans in our public schools and all to come. Thank you.

CHAIRMAN GRAYBILL: Thank you, Mr. Champoux.

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. Chairman, I move we recess

STATE PUBLISHING CO. HELENA, MONT.

until one o'clock this day.

CHAIRMAN GRAYBILL: The motion is to recess until one o'clock this day. All in favor please say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: So ordered.

(Committee recessed at 11:55 A.M.)

STATE PUBLISHING CO. HELENA, MONT.

MONTANA CONSTITUTIONAL CONVENTION

March 10, 1972 42nd Convention Day Convention Hall

Reconvened 1:12 o'clock P.M. Helena, Montana

(Committee of the Whole)

CHAIRMAN GRAYBILL: The Committee will be in order. The Committee will be in order. Mr. Clerk, will you read the title on section one of the education article?

CLERK HANSON: Montana Constitutional Convention, Education and Public Lands Committee Proposal Number Ten, reported February 22, 1972, Champoux, Chairman; Noble, Vice Chairman. Be it proposed by the Education and Public Lands Committee that there be a new article on education to read as follows: Section one, Educational Goals and Duties of the State. It shall be the goal of the people of Montana to provide for the establishment of a system of education which will develop the full educational potential of each person. Equality of educational opportunity shall be guaranteed to each person of the state. Mr. Chairman, section one.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman. Before I make the motion on this section, I would like to make two minor corrections. The committee has consented to these corrections. We are going to subsection section one into subsection one and subsection two at the paragraphs.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Very well. The motion is that on line eight, we put a sub one and on line thirteen, we put a sub two. Is that correct?

DELEGATE HARBAUGH: That's correct.

CHAIRMAN GRAYBILL: All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

(No response)

CHAIRMAN GRAYBILL: So ordered.

Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman. I move that when this committee does arise and report after having under consideration section one, subsection one, of the Education and Public Lands Proposal, that it recommend the same be adopted. Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: We, in Montana, are standing on the threshold of a great opportunity in the area of education. Mr. Champoux, in his opening remarks before lunch, mentioned some of the implications of this. But, the fact that the convening of our Montana Constitutional Convention coincides with a time in which there are tremendous changes taking place in the area of education and in the methods of financing education puts us in a very unique position. We, in Montana, are in a position of being on the cutting edge of a new frontier not

STATE PUBLISHING CO. HELENA, MONT.

only in terms of the philosophy of education, but in terms of the method of financing education. It was in the full awareness of this unique situation that the committee undertook to draft these articles on education and public lands. Section one of the education article combines the present sections one, six and seven of the constitution. The mandate of the present section one and six, which establishes a system of free common schools and provides for their funding, is included in subsection two of this article. The committee has omitted the eight references which were included in section seven of the present constitution feeling that these things were better left to statutory detail, and that their inclusion might stifle the development of the educational enterprise. In subsection one, we have a broad statement of the goal of education in our state. That goal, as it is stated, is to establish a system of education which will develop the full educational potential of each person. This is something new, but the committee intends that this be taken in much the same respect as some of the provisions that we included and adopted in our Bill of Rights section yesterday. Just as we were in the area of political theory there, here we are also in the area of educational theory. So, we are setting forth a goal. The committee realizes that economic resources of the state limit this goal and, yet, it's our belief that it's very important to set forth a goal for education, and that the development of

STATE PUBLISHING CO. HELENA, MONT.

our human resources, to the fullest possible extent, ought to be a primary goal of the state's educational enterprise. The inclusion of this kind of statement in a constitution is not new. The Illinois Constitution contains a very similar statement and I'd like to read one line of that. It says a fundamental goal of the people of the state is the educational development of all persons to the limit of their capacity. The Constitution of Puerto Rico also contains a similar statement. It says and I quote. Every person has a right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedom. We've also included in subsection one a statement guaranteeing equality of educational opportunity within this stated goal. What does this mean? Basically, we are taking a stand which is in line with the more recent interpretations of the courts of this land, but it even reaches back further than that. I'd like to read to you a quotation from Brown vs. the Board of Education decision written in 1954 by the United States Supreme Court. In that decision, nearly twenty years ago, the supreme court said and I quote: In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms. Of course, recent court

STATE
PUBLISHING CO.
HELENA, MONT.

decisions have affirmed this position. The committee recognizes that there is a corollary between the doctrine of equal protection under the law, and the fundamental right to equality of educational opportunity. Now, does this statement set forth a mandate that opens the door to a welter of demands for making education absolutely equal for every person at every level? Obviously, it does not. The guarantee here is limited, as are all constitutional guarantees, by other factors and freedoms. No right is absolute and it would be an absurd construction to interpret this guarantee as an absolute guarantee. One of the concrete limitations on this guarantee would be the ability of the state to finance a system of education which guarantees equality, and where the state can show a compelling cause compelling state interest, such as the preservation of the economic welfare of the state, this would be a limiting factor imposed upon this guarantee. The committee does wish to take the position that equality of educational opportunity is a fundamental right of all. The time is long past when the state can afford to promote one standard of education for those who are members of one geographical area, or economic or cultural group, and a different standard for those who are members of some other geographical area, or economic or cultural group within the borders of this state. Mr. President, I urge the adoption of section one, subsection one.

CHAIRMAN GRAYBILL: Mrs. Eck. I understand you want

STATE PUBLISHING CO. HELENA, MONT.

to have an amendment. At this point, it looks to me as though your amendment goes to the first section, doesn't it?

DELEGATE ECK: Yes, it does.

CHAIRMAN GRAYBILL: Very well. May we read your amendment?

DELEGATE ECK: Do you want me to read it or the clerk?

CHAIRMAN GRAYBILL: The clerk will read it.

CLERK HANSON: (Reading) Mr. Chairman. I move to amend section one, page three, between line twelve and line thirteen of the Education and Public Lands majority proposal, by adding a new paragraph. Quote, The state recognizes the distinct and unique cultural heritage of the American Indians and is committed to the preservation of their cultural integrity. Signed, Eck.

CHAIRMAN GRAYBILL: Very well. The Chair will allow an amendment of Mrs. Eck to add at line twelve the sentence that you all have before you from her concerning Indian cultural heritage.

Mrs. Eck.

DELEGATE ECK: Mr. Chairman and delegates. During one of our very early hearings in the Bill of Rights Committee, there appeared before us two young Indian students representing student groups of the Fort Peck reservation. They came asking what we could do, or what the convention could do, to assure

STATE PUBLISHING CO. HELENA, MONT.

them that they would have the opportunity and their schools to study their own culture, perhaps their own language, and to develop a real feeling of pride in themselves for their own heritage and culture and also a hope that other students all over Montana would recognize the importance and the real dignity of American Indians in the life of Montana. After that time, our committee as well as the Education Committee, were visited by a large number of Indians coming with pretty much the same plea. We considered substituting a special article in the constitution for Article Number Two, which we have now which was military reservations. After a good deal of discussion and talking with Indians and their representatives, it appears that the area that they are most concerned about is that of education. After consultations with members of the Education Committee, we agreed that we would like to present this amendment to the education article. Thank you.

CHAIRMAN GRAYBILL: Is there discussion?

Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman. As some of you know, I have done a great deal of work with Indians. I think this is possibly the only place that this will appear or that anything about Indians is going to appear in the constitution. They're a responsible segment of our society and this should be included as far as I'm concerned. They care a great deal about it and they're entitled to have it in there. My only

STATE PUBLISHING CO. HELENA, MONT.

problem is whether or not this belongs in this particular spot. If Mrs. Eck would not object and if it does pass, I would consider relocating it somewhere in the education article. But, that's beside the point. They are entitled to have something in and this is the thing they care most about, some preservation of their own culture.

CHAIRMAN GRAYBILL: Mr. Johnson.

DELEGATE JOHNSON: Mr. Chairman. I rise in support of this motion. The red cowboys from down on the Little Big Horn feel that the primary step in being an integral part of our social and economic competition in Montana, is education. I agree with this. I've lived in the area with the Indians all my life. I try to understand how they feel about it. They do feel very strongly that education is a basic necessity. If this isn't the proper place to put it, I really don't know where. I really would very much like to see it in this article. Thank you very much.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: Mr. Chairman. Maybe you all feel like this already. I support this. The only thing that motivates a person, I believe, more than any other thing for good, is the self image. That would also go for ill as well. The one thing that any minority group needs, and this has been true in all the development of black history in the recent years of our country, where it has been for good development. The

STATE PUBLISHING CO. HELENA, MONT.

same thing will hold true for the red man, is this self image, which has been in a sense, stomped in the dust and now must -- we must help him return to the kind of self image that will give him the proper motivation not only to be an Indian, but to be an American. I think this little section will help more than any other one thing that we have done, or probably will do, in the writing of this constitution toward that end.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Mr. President and fellow delegates. I rise in support of this amendment. I perhaps should state my special interests here. I don't have any Indian blood. I am not an Indian, but I was once made an Indian chief. They called me Chief Little Duck. As I left the pow-wow that day, I think I lost it all when one Indian said to another, it'll never get off the ground. (Laughter) Now that I have your attention, these Indians have come before the Education Committee, the Revenue and Finance Committee, the Bill of Rights Committee. Each time, what have they been told? Oh, if they come before the Education Committee, they're told that belongs before the Bill of Rights Committee. If they come before the Bill of Rights Committee, they're told that belongs to the Education Committee. They're sick of it. In other words, this has been a cop-out and they know it. What we've been doing then, is pushing them back and forth between the committees, in an attempt to get rid of them, and they know it. Robert

STATE PUBLISHING CO. HELENA, MONT.

Gopher -- a beautiful name, isn't it? -- came before the Finance Committee, I believe it was. Eventually, he came before the Education Committee. He asked for money for pow-wows. Some of the people laughed at him. They said, what's he doing? He's foolish. What's he up here looking for money for pow-wows for? Ladies and gentlemen, a pow-wow is an Indian educational endeavor. That's where they teach their culture. So, he knew what he was about. The first day I came to this assembly, I looked around and wondered why there were no Indians here as delegates. Later, as I left that door, I saw four Indian students -- young college students from the University of Montana -- standing out there against the wall. I thought to myself, how ironic. Here they are, typically, standing outside the door while the white man makes all the decisions for them inside. Isn't it also ironic to see here today a Frenchman from Boston, without any Indian blood, standing at the Montana Constitutional Convention pleading for the Indians to preserve their cultural integrity? We like to think of ourselves as a great melting pot where everyone becomes a quote typical American, a homogenized society. We are, in fact, a heterogeneous country, a mixing bowl, made up of a colorful patch full of people with different cultural backgrounds. Each group has contributed and woven into the American customs from their respective homelands. These people are good Americans, but the emotional tie still remains, the identification with

STATE PUBLISHING CO. HELENA, MONT.

the countries of their origin. The argument has been made that it is not possible to single out one ethnic group as a special group. For our Indian people, it is impossible not to mention them as a special group. The state of Montana is composed of the sovereign state of Montana and five autonomous self-governing Indian nations whose people have a dual citizenship. Every other ethnic group in this country has a country of origin to relate to in their pride of heritage, and we've learned in our schools about their countries. All of us have taken Greek history, Roman history, English history, French history, etc. Why not Indian history? The Irish have a national day. Try to deny the Irish in this country or in Butte, the celebration of that national day. I hope I can be there next Friday to celebrate it with them. (Laughter) We'd have a revolution on our hands. Why not a Chief Shallow Day, Chief Joseph, Chief Hungry Horse, etc.? What is the country of origin for our American Indians? It is America. What have the average Americans learned in our schools about our American people? Very little, if not nothing. How many delegates sitting in this assembly could answer these questions? Who were the Indians of the Iroquois nation? Which Indians belonged to the five civilized tribes? Those are easy questions. They're eastern questions, but they're easy ones. What happened to them? How about the native tribes? How many of us here can name the native tribes of Montana, and tell me about their history and native

STATE PUBLISHING CO. HELENA, MONT.

cultures? We've all heard of George Kaplan, the great painter. Some of his works are to be found around this very Capitol. How many have heard this statement by George Kaplan about the Montana Indian? I quote: I love a people who are honest without laws, who have no jails and no poor houses. I love a people who keep the commandments without ever having read them or heard them preached from the pulpit. Are we to tell the Indian people that their history has no place in our schools? Are we to tell the Indian people that their ways, their governments were wrong, and that they must accept ours, because ours are better? Or, will we help them to retain their ethnic identity and make their adaptation as Americans? If there is ever to be a solution to the Indian problem in this country, it will only come about when our educational system provides the knowledge which is needed to understand. I agree here with Reverend Harper here wholeheartedly. It will only come when our educational system provides the knowledge which is needed to understand and respect the cultural difference between us. The states helps to preserve and protect their cultural integrity. This is a matter of pride. All of us are proud of our heritage, whether we be English, Irish, Jewish, or whatever. We are proud because we know about our history, our culture and our heritage. Are we now to continue to deny this to these, the first citizens of the state of Montana? Ladies and gentlemen, the Montana Indians are still waiting

STATE PUBLISHING CO. HELENA, MONT.

outside the door. Are you going to answer them?

CHAIRMAN GRAYBILL: Mr. Anderson.

DELEGATE OSCAR ANDERSON: I rise in support of this amendment. My grandchildren have an Indian heritage. I am most proud of this heritage that they have. As a third generation Montanan and American, I think it would be more fitting if the Indians were here to recognize our culture. I support the amendment.

CHAIRMAN GRAYBILL: Mr. James.

DELEGATE JAMES: Mr. Chairman. As a first generation Montanan and a second generation American, I am very sorry that there are not more of the Indian people here to hear Rick Champoux's fine speech. Earl Barlow is sitting here and I'm glad that he is here. I think from all the way from the Kootenai to the Powder River, every one of us are anxious to see something put in. I hate to see this put in as an amendment. I agree with Mr. Schiltz. I thought it was to be a separate article, but I wholly support the thinking here. If we are to develop, as this section says, the full educational potential of each person and to recognize the Indian heritage and dignity, I hope that as Torrey and I support this, and we seldom are on the same side of anything, but I hope this signifies the unanimous support for this amendment.

CHAIRMAN GRAYBILL: Does anyone rise in opposition to this amendment?

STATE PUBLISHING CO. HELENA, MONT.

Mr. Wilson.

DELEGATE WILSON: Mr. President. I have lived among the Indians practically all of my life. I've had property on Indian reservations. I've had many Indian friends. I have seen the Indian heritage at one time, which was very prominent, go downhill from the participation of white people trying to give them and give them and give them, and you can never give anybody enough to satisfy them. I have many, many Indian friends that I think are as equal to the white person as anybody in this room, but I think they have been exploited, they have been provided for many years with equal educational opportunities. Then, what happened? They go back to their reservation for the simple reason that Uncle Sam provides a shed over them, and they don't go out and institute their initiative. These people want equal educational opportunity. They want to be recognized just the same as you and I do, as equals, and not being set aside. I have a feeling that this tends to set them aside as different from us, and I don't think they are. I think they're Americans, and I think that they need -- it needs to be emphasized that they do have the same educational opportunity as anyone else. If they want to preserve their heritages and their cultures, more power to them. Each one of the races wants to preserve this, but to set them aside in the constitution as being different, this I can't quite follow the reasoning of. I don't think this is what the Indian people

STATE PUBLISHING CO. HELENA, MONT.

want. They want to be equal. Now, there is a movement on to teach their language in the schools. In my opinion, this is one way of keeping them in the back door. They have to learn our ways. The young people want to learn our ways, and if they pursue the equal educational facilities and become as well educated, as many of them are, they certainly are just as free to be a constitutional delegate, be a governor, a senator, representative or hold any other office. All they have to do is cast aside the blanket that we, the white people, have thrown over them and take advantage of their education. Thank you, Mr. President.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman.

CHAIRMAN GRAYBILL: Do you have an amendment?

DELEGATE HARBAUGH: I have an amendment to the amendment.

CHAIRMAN GRAYBILL: Very well. I'll read it and then you may speak on it. If you'll take Mrs. Eck's amendment before you, on the third line after the word, committed, Mr. Harbaugh wants an amendment that adds, in its educational goals. The sentence would then read: The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals, to the preservation of their cultural integrity.

Mr. Harbaugh.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE HARBAUGH: Mr. Chairman. I hope this is in accord with the intent of the persons who made the amendment. In speaking on the amendment itself, I also would speak in favor of the amendment. I think what Mr. Champoux has said is correct, that the Indian people who came to testify before our committees, felt that they were getting the runaround and getting sent back and forth between one committee and another. I think it is important, perhaps, to have something like this in here even though, in my interpretation of subsection one, by granting equal opportunity -- When I think of equal opportunity and when I interpret that phrase, to me it means that we recognize the distinctiveness of the various groups within our society. I would have to take very serious issue with Mr. Wilson on this particular thing. I have lived for almost seven years on the Fort Peck reservation at Poplar, which is the tribal headquarters for the Sioux and Assinniboine tribes, and make no mistake, the Indian people are different from us. There is a difference. The fact that our culture for many, many years has failed to recognize the cultural differences, has led to some very deep misunderstandings about how we ought to relate ourselves and our society to the Indian people. I am very much in accord with the idea that the Indian culture ought to be upheld and that it ought to be protected against the dominant society. While I feel that really this is the intention of the Education Committee's report in setting forth

STATE PUBLISHING CO. HELENA, MONT.

equal educational opportunity, I do not resist the amendment here which makes this specific and I would speak in favor of it.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. Harbaugh's additional amendment to add the additional phrase, in its educational goals, to Mrs. Eck's amendment.

Mr. Hanson.

DELEGATE ROBERT HANSON: Mr. President. I would also like to rise in support of this amendment with Mr. Harbaugh's addition to it. I think I have been quoted quite a bit, or it has gotten into the paper about the Indians, and I would just like to say that I am very much in accord with this. Having lived in the reservation over in western Montana for somewhat over fifty-nine years, I think I know some of the problems. I think that in the last few years, through better education, we're finding many changes that are coming about that are much better. We considered these things in the Bill of Rights and I think we should adopt this amendment.

CHAIRMAN GRAYBILL: The issue is on Mr. Harbaugh's amendment.

Mrs. Bugbee.

DELEGATE BUGBEE: Mr. Chairman. I would just like to say that at the University of Montana, in the Department of Indian Affairs, for the last couple of years they have been in the process of preparing books for Indian children. They have

STATE PUBLISHING CO. HELENA, MONT.

coordinated -- This is not only the Department of Indian Affairs it's the art department, religious studies and education. This is a coordinated effort to prepare these books. I've seen two of them and they are really extraordinary. I'd like to say that this amendment would certainly assure that these books and more like this will be used. Thank you.

CHAIRMAN GRAYBILL: Mr. Campbell.

DELEGATE CAMPBELL: Mr. Chairman. I rise in support of the Harbaugh amendment and the intent of including a phrase on Indian cultures in this particular section. In the Bill of Rights Committee, in our rough draft, we suggested giving recognition to the Indians by, in the Preamble, putting in the spirit of our creator. We felt that the natives of this great land had lived for thousands of years in a special relationship with their mountains, their wild life and they had a special relationship with the spirit of their creator. It was felt by many that this would be unpopular, so we did remove it and it's no longer in the Preamble. I feel that we had many opportunities to hear from many different people. The Indian people did come before our committee and said they wanted this particular provision. Delegate Wilson did not come before this committee, and no one came before the committee saying the Indian people did not want such a provision, such recognition. I don't own a big ranch in eastern Montana, but I have been close to Indian reservations. I think that they

STATE PUBLISHING CO. HELENA, MONT.

want this. I think that they have a deep pride which has been crushed. As a political matter, I think it would be very good for this convention to put this particular provision in there now, to encourage working within the system and neutralize the red power, young militants in the reservations who want to change Custer's massacre to Sitting Bull's victory. Thank you.

CHAIRMAN GRAYBILL: Mrs. Reichert.

DELEGATE REICHERT: Mr. Chairman. I rise in support of the amendment. I want to mention that not long ago, the Christian Science Monitor featured an article on our Constitutional Convention. They mentioned very few issues, but they spent the major portion of that article on the Indian situation in this state. They were speculating whether Indians would be mentioned in our constitution. I firmly support this amendment and I hope we will almost have unanimity.

CHAIRMAN GRAYBILL: Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. President. I support the amendment to the amendment and the amendment. Through the years, we have given the Indians a great many things that didn't prove to be too good for the Indians. We gave them treaties which we later broke. We gave them discrimination in the guise of such great statements as, the only good Indian is a dead Indian. We gave them social diseases. We gave them smallpox infected blankets so we could reduce their surplus population. We gave them alcohol. We gave them a religion

STATE PUBLISHING CO. HELENA, MONT.

which we didn't live up to ourselves. Now, the Indians have appeared before our committees at this convention, and they have asked for this inclusion in our constitution. I certainly agree with Mr. Harbaugh. The Indians in Montana are different than any other group that came in here. They were here first, they owned it, and we took it all from them. I think this is the least we can do.

CHAIRMAN GRAYBILL: Now, the Chair would like to point out that we can all get on the record on this when we vote. If you have to make a speech, stand up.

Mr. McNeil.

DELEGATE McNEIL: Mr. Chairman. I rise in support of the amendment and of the original motion. I should point out a special interest. My law partner, Gene Turnage, and I are law counsel for the Confederated Salish and Kootenai tribes of the Flathead reservation. However, I speak not as their counsel, but as their friend. Michelle Robinson will understand, when I urge to this convention, that it would be a serious error of ommission if we failed to include specific recognition of the cultural heritage of our American Indians. I strongly support the motion.

CHAIRMAN GRAYBILL: Mrs. Pemberton.

DELEGATE PEMBERTON: Thank you very much. I don't speak very often, but when I do, I'm really sincere about it. Three years ago, I was general chairman of a National Press-

STATE PUBLISHING CO. HELENA, MONT.

womens' Convention in Billings, Montana. At this time, one of the greatest things we did was to introduce our women of the press across the whole United States to two of the great Indian tribes in the state of Montana. We were able, through other friends, to take them to Crow Agency and to Custer's battlefield. I don't think it occurred to either of the two delegates from district number one, Torrey Johnson and myself, that we were set apart from anyone else within our area. I know that our friends on both of these reservations would expect us to be representing them and supporting this amendment, which I do wholeheartedly. They didn't approach us. They didn't approach me in any way. They just took it for granted that I would be part of their own delegation. Thank you.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Just one brief point, sir. Mr. Harbaugh, when you use the word goals, do you intend that to mean for the future? There can be that connotation. I would suggest that perhaps we use the word, endeavors, if it would be all right with you, sir. Thank you.

DELEGATE HARBAUGH: Mr. Chairman, may I respond?

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: I used the word, goals, because I think that this ties the statement in with the goals that are set forth in subsection one. Since this is going to be included in the education article, it would seem to me that it

would be appropriate to use the word, goals, and to relate back to the goals which are mentioned -- the broad goals for education -- in subsection one.

CHAIRMAN GRAYBILL: Very well. The issue -- Mr. Wilson, do you want to speak on the amendment?

DELEGATE WILSON: I just want to make my position pretty clear.

CHAIRMAN GRAYBILL: Okay.

DELEGATE WILSON: I am not against setting up something for the Indians. The thing that I am against is setting them aside, or making a different type of education for the Indians. I merely want them equal. I want them to have the same equal status as the white people. I don't want to set up a different educational system for the Indians and the white people. I want them to be the same.

CHAIRMAN GRAYBILL: Mr. James.

DELEGATE JAMES: Mr. Chairman. Mr. Wilson said that he thought they were Americans. Well, I know they are Americans and they know they are Americans. Last week I attended the Indian Education Conference at the Jefferson school. I talked to many of their representatives there, and I was there long enough to hear Mr. Harold Gray from the University of Montana, a very fine representative of their people, speak on this very thing. I think the people there were all unanimous in their endorsement of a recognition in our constitution. I

STATE PUBLISHING CO. HELENA, MONT.

think we've been rationalizing and evading them too long, and avoiding our responsibility too long. I speak in behalf of the amendment and the amendment to the amendment.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. Harbaugh's amendment that we add the phrase, in its educational goals to Mrs. Eck's amendment so that it would read: The state would be committed in its educational goals to the preservation of cultural integrity. So many as shall be in favor of that amendment, please say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed.

(No response)

CHAIRMAN GRAYBILL: That's adopted. Very well. The issue is now on Mrs. Eck's amendment. The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity. So many as want to add that to section one -- subsection one -- of the educational article -- Yes, we'll have a roll call. -- may indicate by voting Aye on the voting machines and opposed may vote No. Have all the delegates voted? Does any delegate wish to change his vote? Will the clerk cast the ballot?

Aasheim	- Aye	Arbanas	- Aye
Anderson J.	- Aye	Arness	- Abs
Anderson, O.	- Aye	Aronow	- Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Artz	- Aye	Driscoll	- Aye
2	Ask	- Aye	Drum	- Abs
3	Babcock	- Aye	Eck	- Aye
4	Barnard	- Nay	Erdmann	- Aye
5	Bates	- Aye	Eskildsen	- Aye
6	Belcher	- Aye	Etchart	- Abs
7	Berg	- Abs	Felt	- Aye
8	Berthelson	- Aye	Foster	- Aye
9	Blaylock	- Aye	Furlong	- Abs
10	Blend	- Aye	Garlington	- Aye
11	Bowman	- Abs	Graybill	- Aye
12	Brazier	- Abs	Gysler	- Aye
13	Brown	- Aye	Habedank	- Aye
14	Bugbee	- Aye	Hanson, R. S.	- Aye
15	Burkhardt	- Aye	Hanson, R.	- Aye
16	Cain	- Aye	Harbaugh	- Aye
17	Campbell	- Aye	Harlow	- Abs
18	Cate	- Aye	Harper	- Aye
19	Champoux	- Aye	Harrington	- Aye
20	Choate	- Aye	Heliker	- Aye
21	Conover	- Aye	Holland	- Abs
22	Cross	- Abs	Jacobsen	- Aye
23	Dahood	- Aye	James	- Aye
24	Davis	- Aye	Johnson	- Aye
25	Delaney	- Abs	Joyce	- Aye

STATE PUBLISHING CO. HELENA, MONT.

Kamhoot	-	Aye	Roeder	- Abs
Kelleher	-	Abs	Rollins	- Aye
Leuthold	-	Aye	Romney	- Abs
Loendorf	-	Aye	Rygg	- Aye
Lorello	-	Aye	Scanlin	- Aye
Mahoney	-	Aye	Schiltz	- Aye
Mansfield	-	Aye	Siderius	- Aye
Martin	-	Aye	Simon	- Aye
McCarvel	-	Aye	Skari	- Aye
McDonough	-	Aye	Sparks	- Aye
McKeon	-	Aye	Speer	- Aye
McNeil	-	Aye	Studer	- Aye
Melvin	-	Aye	Sullivan	- Aye
Monroe	-	Aye	Swanberg	- Aye
Murray	-	Abs	Toole	- Aye
Noble	-	Aye	Van Buskirk	- Aye
Nutting	-	Aye	Vermillion	- Aye
Payne	-	Aye	Wagner	- Aye
Pemberton	-	Aye	Ward	- Aye
Rebal	-	Abs	Warden	- Aye
Reichert	-	Aye	Wilson	- Aye
Robinson	-	Aye	Woodmansey	- Aye

CLERK HANSON: Mr. Chairman, eighty-three Delegates voting Aye, one voting No.

CHAIRMAN GRAYBILL: Eighty-three having voted Aye and

STATE PUBLISHING CO. HELENA, MONT.

only one No, that motion passes. Is there other discussion of section one, sub one?

Mr. Martin.

DELEGATE MARTIN: Mr. President. I have an amendment up there.

CHAIRMAN GRAYBILL: It appears to the Chair that your amendment goes to section one, sub two, Mr. Martin. They made a sub one and a sub two of those paragraphs.

DELEGATE MARTIN: I'm sorry.

CHAIRMAN GRAYBILL: I'll call on you. Are there other amendments or discussion to sub one? That's the first paragraph from lines seven to twelve plus the new material.

Mr. Nutting.

DELEGATE NUTTING: Would Mr. Harbaugh yield to a question?

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: I yield.

DELEGATE NUTTING: The three words, full educational potential, could that conceivably mean kindergarden for every child in the state of Montana? Adult education for every adult in Montana? Vo-tech for every person in Montana?

DELEGATE HARBAUGH: Mr. President.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Yes, it is conceivable that it could mean that. It's inconceivable to me, however, that the

STATE PUBLISHING CO. HELENA, MONT.

legislature would ever authorize that sort of thing because, as I stated in my introductory remarks, this would probably break the state of Montana. That would be, in my estimation, a compelling state interest and would be completely wrong and a misconstruction of the broad, goal-oriented statement that we're making here to look at that in this way.

DELEGATE NUTTING: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Nutting.

DELEGATE NUTTING: When you look at section one and section two and take them together, I know we make different statements on the floor, but still to read these two sections, I can't read them any other way but that the full educational potential of each person shall be developed. In the last line, it shall be the duty of the legislature to fully fund. The statements that we are making here on the floor and the statements that I read on the page don't seem to be consistent.

DELEGATE HARBAUGH: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: The basic reason that I moved to amend this section to subsections is precisely for the reason that Mr. Nutting has pointed out. We are setting forth, in subsection one, basically a broad philosophy of education. We're trying to lay out the goals of education. In subsection two, which we will come to next, we're going to talk about the mandate -- in other words, the implementation of those goals.

STATE PUBLISHING CO. HELENA, MONT.

I think that you have to make this distinction, that the one is a goal and that the second is the mandate.

CHAIRMAN GRAYBILL: Is there other discussion? If not, the question arises on the issue of the adoption of section --

Mr. Martin.

DELEGATE MARTIN: I think that a portion of my amendment to this section is in one, the word, full.

CHAIRMAN GRAYBILL: It may be. Your amendment says at line thirteen and the word, full, doesn't appear on line thirteen. So, if you'll tell me what you're talking about --

DELEGATE MARTIN: Thirteen of page eight.

CHAIRMAN GRAYBILL: Oh well, just a moment. Very well. Mr. Martin, would you like us to read your amendment?

DELEGATE MARTIN: Yes.

CHAIRMAN GRAYBILL: Mr. Martin has an amendment. Will the clerk please read the first amendment to Mr. Martin's because the second one applies to the second paragraph?

CLERK HANSON: (Reading) Mr. Chairman. I move to amend section one, page eight of the Education and Public Lands Committee Proposal Number Ten as follows: At line thirteen, page eight, by deleting the word, full. Signed, Martin.

CHAIRMAN GRAYBILL: Mr. Martin would delete the word, full, so that the sentence reads, provide for the establishment of a system of education which will develop the education-

STATE PUBLISHING CO. HELENA, MONT.

al potential rather than the full educational potential.

Mr. Martin.

DELEGATE MARTIN: Mr. President. I find it nice to find in the adoption of the amendment that was just made, to be on the popular side. I must state a special interest. At one time, I was made a member of the Flathead tribe. In talking about this amendment, I'd like to refer if I may -- or first of all, I'd like to extend my appreciation to the work of the Education Committee for the work that they did in preparing this article. I think it has some great potential and good for education. But, I think there were some references made to some special interests that people had, and that was in an article which appeared in the Tribune this morning which indicated that anyone who would be in opposition to the committee would represent some special interest. Particularly singled out was the Montana School Boards Association. At the moment, I might say that I am not a member of the Montana School Boards Association. I'm not a member of the Montana Education Association. I'm not a member of the Montana Board of Administrative School Officers. I only have a deep and sincere and abiding interest in the educational process. I think that Mr. Gardner last night emphasized two points, the right to know and the right to have a say. Then he turned around and said, it's time to open the doors and give the country back to the people. Throughout this article, I think

STATE PUBLISHING CO. HELENA, MONT.

there is an effort to centralize education and I think that we should go back and review a little bit of the history. I'm only sorry to say that a man who I think was a pioneer in the promotion of educational opportunity for Montanans isn't here this afternoon, and that's Paul Harlow. Paul Harlow and some others were responsible for the development of the foundation program in the state of Montana. They sought and saw the opportunity to provide educational opportunities for the young people of Montana. But, most of all, they took off the wraps so that the teaching profession of the state of Montana could participate in government. I think it's a credit to this convention that we have so many educators who are taking part in this. Most of all, I think it's to the credit of Montana that the educators at the state university units as well as the educators in the schools, have taken off their wraps and buried their notions that they couldn't participate in government because that wasn't the thing for teachers to do. They were supposed to be nonpartisan, nonpolitical and shouldn't even have a chance to say. So, we have provided an educational opportunity for not only the youngsters of the state but the teachers and the people who participate in education to participate and contribute to good government. Now, when we are talking about the full educational development, we're writing a check that would be hard to deliver and that has been evidenced by the fact that the foundation program, since

STATE PUBLISHING CO. HELENA, MONT.

its adoption, has never been able to fully fulfill the obligations that it started. So, I think that before we write into the constitution the idea of full, we better take a good look at this proposition. I hope that my amendment to this section prevails.

CHAIRMAN GRAYBILL: Mr. Arbanas.

DELEGATE ARBANAS: Mr. Chairman, members of the convention. I would like to speak in opposition to the motion to delete the word, full. I suspect that there has been kind of a misunderstanding here of the problem. Certainly the inclusion of the word, full, does not command an unlimited expansion of the field of education. What it does is that it does not foist upon us an artificial limitation of the field of education. Unlike the former constitution that said we had to start only at this age and only go to that age or only this type of education or that type of education, the inclusion of the word full allows us to develop the education of Montana to its potential capacity. Therefore, I don't see the danger that Mr. Martin sees in the words.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Being the chairman of the committee, I'd like to speak very briefly to this if I may. Mr. Martin, of course, is a scholar of the English language. Actually, I think the thing we ought to be looking at is the term goals. Also, if we take out -- What is the educational

STATE PUBLISHING CO. HELENA, MONT.

potential? Can we measure it? Is it from five to a hundred and two? If we take out full, how much does that do for clarification? We still have educational potential as a goal. I'm not quibbling over it, but I don't see any point in taking it out.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman. I feel that the comments that Mr. Martin made may be of legitimate concern, but not at this point. As I explained in my other remarks and as Mr. Champoux has just stated, we're talking here about a broad statement of philosophy. Now, we're not talking about the financing of the school system which you refer to, Mr. Martin. I would resist the amendment. I think that full is a modifier here of the educational potential and to remove it, I think would not do anything really to change the impact or the intent of this section. I would resist the amendment.

CHAIRMAN GRAYBILL: Very well. The question is --

Mr. Burkhardt.

DELEGATE BURKHARDT: Just as one other member of the Education Committee, Mr. Chairman, I would say that I hope the word full remains. It would be like striking liberty from life, liberty and the pursuit of happiness. It is a goal and we'll hope to work toward it.

CHAIRMAN GRAYBILL: Very well. The question arises upon Mr. Martin's motion to delete the word full from line ten

STATE PUBLISHING CO. HELENA, MONT.

on page three of section one. So many as shall be in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Noes have it. Very well. Is there other discussion of section one?

Mr. Jacobsen.

DELEGATE JACOBSEN: Mr. President. Will Mr. Champoux yield to a question, please?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I will.

DELEGATE JACOBSEN: Rick, we've divided section one now into two sections after Mrs. Eck's amendment and the other amendment. Now, should the -- on line ten at the end of the line, a person --

DELEGATE CHAMPOUX: What page are you on please?

DELEGATE JACOBSEN: On page three.

DELEGATE CHAMPOUX: At the end of line ten?

DELEGATE JACOBSEN: At the end of line ten, we have a period on person. Should, in the public school system, not be added here inasmuch as these two sections are divided now?

DELEGATE CHAMPOUX: I'd defer that to Mr. Harbaugh since he has this section.

DELEGATE JACOBSEN: And also after opportunity on

STATE PUBLISHING CO. HELENA, MONT.

line eleven in the public school.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Let me see if I understand your question.

CHAIRMAN GRAYBILL: Mr. Harbaugh, the sense of his question is whether he doesn't want to limit the language in the first paragraph to in the public schools.

DELEGATE HARBAUGH: Shall be guaranteed to each person in the public schools?

DELEGATE JACOBSEN: On line ten, it says develop the full educational potential of each person. Shouldn't the words, in the public school system, be added there inasmuch as we've divided this section into two parts?

DELEGATE HARBAUGH: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: In response to that, I think not. I think that if you would turn to the comments on page nine, Here are some comments as to what we mean by this sentence. It shall be the goal of the people of Montana to provide for the establishment of a system of education which will develop the full educational potential of each person. Here, we state that learning is a gradual process -- or gradually being recognized as a process which extends throughout life. As we all know, there are being developed across the nation and in our own state, many educational opportunities

STATE PUBLISHING CO. HELENA, MONT.

for adults, for people of various age groups. I think that in my opening remarks when I spoke about a new philosophy of education, I think one of the things that we need to recognize is that education is no longer thought of just in terms of very narrow boundaries of certain age limits. In looking at the goal of education that we want to realize that education is a continuing process. Many older people today are taking -- are availing themselves of the opportunity to take courses and this sort of thing which, perhaps, they could not take when they were young. To the extent that the state is able to provide this, we would like to make it a goal of the state to do this.

DELEGATE JACOBSEN: Will you yield to one more question?

DELEGATE HARBAUGH: I yield.

DELEGATE JACOBSEN: Now, does this refer to the fact that aid to private schools could come under this?

DELEGATE HARBAUGH: No, this has no reference to that, at least in my mind, whatsoever.

DELEGATE JACOBSEN: Thank you.

CHAIRMAN GRAYBILL: Very well. The issue arises that when this committee does arise and report after having had under consideration section one, sub one as amended, that it recommend that this section shall be adopted. So many as shall be in favor of this motion, say Aye.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: Sub one is adopted. Will the clerk reread section one, sub two?

CLERK HANSON: (Reading) Section one, subsection two: The legislature shall provide for a system of high quality free public elementary and secondary schools. The legislature may also provide for other educational institutions, public libraries and educational programs as are deemed desirable. It shall be the duty of the legislature to provide by taxation or other means and to distribute in an equitable manner funds sufficient to insure full funding of the public elementary and secondary school system. Mr. Chairman, subsection two.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman. I move that when this committee does arise and report after having had under consideration section one, subsection two, of the Education and Public Lands proposal, that it recommend the same be adopted. Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: This subsection is the mandate for implementing the establishment of our educational system within the state. In this respect, as I noted earlier, it is

STATE PUBLISHING CO. HELENA, MONT.

similar to section one and six of our present constitution. We might note here that the courts have construed the present sections one and six not as a limitation on the legislature, but as a mandate to the legislature. This section states that the legislature shall provide for a system of high quality free public elementary and secondary schools. What do we mean by the words high quality? They have been used as an instruction here to the legislature to provide not just a minimum education system, a substandard system, but one that meets a contemporary need and is capable of producing well informed citizens. Now, the committee recognizes that changing systems of financing the public school system are in the direction of providing equality of education. This could lead to a reduction of the kind of education that we have. In other words, we recognize that, if in the future, it is required that education be equalized across the districts, that this could jeopardize the quality of education and we would not want to see this happen. This is what we wish to safeguard against. Therefore, we stressed in this legislative mandate that the state shall provide a high quality system of education. Now again, I'd like to point out that this is not untried ground that we're treading on. The Illinois Constitution recently adopted states and I quote: The state shall provide for an efficient system of high quality educational institutions and services. There are possibly some

STATE PUBLISHING CO. HELENA, MONT.

other words here that need explanation, the word free. By the word free in subsection two, it is understood by the committee to mean that those aspects of the elementary and secondary education which are essential to courses required by the schools for graduation, shall be free of cost to the student. The words public elementary and secondary replace in this article the term, common schools, which was contained in the old -- the present -- constitution. We feel that this is more precise. The term common schools, back in 1889, referred primarily to the elementary school system. Also, we want to make it clear by using the terms public elementary and secondary, that the word, free, does not apply to all aspects of the educational system, but that it applies to the basic education which the state is mandated to fund. In the second sentence of subsection two, we've given a broad grant of power to the legislature to provide for additional educational institutions and programs which it deems desirable. According to the court interpretations of present Article Eleven, section one, this right already rests with the legislative assembly under our present constitution. This is nothing new being added here. The last sentence of subsection two is directed toward the financing of the school system. Now, a great deal has been said about the Cerrano-Priest case and other decisions across the land affecting the financing of the public school system. In analyzing our Montana finance structure, the com-

STATE PUBLISHING CO. HELENA, MONT.

mittee found that there is great desparity between the level of school financing among the various districts of the state. This isn't something that has just come to our attention. For several years, across the nation, there has been a nation-wide study being conducted on methods of financing public education. One of our members, Mrs. Cain, as probably most of you know, attended a meeting in Denver at her own expense, during the course of this convention to attend a meeting which solidified the results of several years of study on this very question. Whether the supreme court of the land rules on this matter or not, seems to me to be beside the point. It's our feeling that the state should make every effort to insure that insofar as it is possible, equality of financial expenditures for school children of our state is implemented. Now, in the last sentence of subsection two, we simply provide the means whereby this may be done. The legislature is to provide by taxation or other means, and to distribute in an equitable manner funds for the funding of our school system. I'd like to point out here that the language that we've incorporated here is very close to that of section six. We have incorporated some of the language of section six in this last statement. Clearly, the existing school foundation program does not meet the aims of equalizing educational burdens and benefits. A most recent study of our foundation program shows that expenditures by the state actually subsidized districts

STATE PUBLISHING CO. HELENA, MONT.

that are wealthy more than they do districts that are poor, and that, in fact, the foundation program aggravates factors which tend to make the level of education dependent on the wealth of the district. We use the term full funding. What does this mean? Well, it means that the state will insure the funding of a basic, minimum program. After the state has assessed the needs and established what a minimum program ought to be, we feel that the state ought then to provide, by whatever means it sees fit, for the funding of that program. If we fail to do this, if we fail to provide even the minimum that we establish, then we fall far short of the goal that ought to be ours in education. The full funding requirement here will substitute equity and rationality for the confusion and the inequities that have often plagued school financing in the past. It will also do one other thing that I think is very important. It will free the local school boards from a preoccupation with matters of finance, so that they can focus on the real issue of education in our local communities. Mr. Chairman, I move the adoption of subsection two.

DELEGATE HARPER: Mr. President. I move to amend subsection two of section one, by adding in front of the word, system, on line thirteen, page three, the word, basic, and in front of the word, public, on line twenty, page three, the word, basic. Did you find that, Mr. President?

CHAIRMAN GRAYBILL: Yes, I find it. I don't know why

STATE PUBLISHING CO. HELENA, MONT.

I didn't have it up here. The Chair will allow it, but I do wish if you're going to make amendments, you should have thought about them, unless there's something that comes up in debate. I'll allow it.

DELEGATE HARPER: Mr. President. The explanation given by the committee, through Mr. Harbaugh, shows that it is an intention of the committee that the legislature shall be required to fund a basic system of quality education. This is carried out by their comments as shown on page twelve, where they say the fundamental principle established, however, is that every child should have approximately the same opportunity to receive an adequate basic education. On line seventeen, they again say that they wish to insure the quality-- the existence of a quality -- basic educational system. On page fourteen of their comments, they again say on line four through seven: Once the needs for a basic quality system of elementary and secondary schools have been realistically assessed, the state has the obligation to guarantee that this minimum, basic program be fully funded. I am a former member of the Montana School Boards Association. I was its president back in 1952. I, along with Paul Harlow and many other dedicated citizens -- at least, I think I was dedicated and I'm sure Paul was -- worked long and hard in developing a foundation program of education. At that time, it was called to our attention by educators that section one of Article Eleven

STATE PUBLISHING CO. HELENA, MONT.

of the constitution provided that it shall be the duty of the legislative assembly of Montana to establish and maintain a general uniform and thorough system of public, free common schools. It was argued, not without merit, that it was the duty of the legislature under our original constitution to fund the common schools. We made the objectives so high that the legislature, or nobody else, paid any attention to that mandate. I think that the comments as made by the committee, which clarify the fact that they do intend to require only a basic educational program system, is good. But, the comments are not before the people of Montana. As they vote on this, I think they should be told that it is the intention of those on the committee, in their very fine draft, to require the legislature to do full funding of the basic educational program and that the frills and the things beyond the basic program, as the legislature determines it, can still remain with the people. For this reason, I urge your support for the addition of these words to section two.

CHAIRMAN GRAYBILL: Mr. McDonough.

DELEGATE McDONOUGH: Mr. President, will Mr. Davis yield?

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: I yield, Mr. McDonough.

DELEGATE McDONOUGH: You were on this committee, were you not?

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE DAVIS: I had the privilege of serving on this committee. Yes, thank you.

DELEGATE McDONOUGH: The last sentence of subsection two, does that require the legislature to put the Cerrano vs. Priest doctrine in at this time?

DELEGATE DAVIS: Let me read it. It shall be the duty of the legislature to provide by taxation or otherwise, and to distribute in an equitable manner, funds sufficient to insure full funding of the basic public elementary and secondary school system. It is my opinion, Mr. McDonough, it does not require us to put the Cerrano vs. Priest doctrine, whatever it is, in at this time. It seems to me that this section - the intent behind this section -- was to provide for full funding of the foundation program. When I campaigned in my area, we found that one of the big problems we had was the lack of full funding of the foundation program. They had to come back in and have these various mill levies and the first time in the history of our county, I think, we had to have three votes. So, the intent there was to require the state to establish a priority for education that would make a full funding of the basic primary and secondary education programs, fully funded as a high state priority. Then, if they ran out of money at the other end, they'd have to adjust their budget someplace else instead of cutting it on education each time, and coming up with 90% or 85% and gradually downward, which

STATE PUBLISHING CO. HELENA, MONT.

causes us to increase our property tax levy and cause us a lot of difficulty on the local school level. Does that answer your question?

DELEGATE McDONOUGH: No, it does not, but I don't even know if we can answer it.

DELEGATE DAVIS: It's my opinion, Mr. McDonough, it does not require us to put the Cerrano vs. Priest doctrine in at this time. They can go ahead with their foundation program and hopefully, the full funding really doesn't add anything to our present constitution where it says they will maintain a system. But, it may be stronger language; we hope it is.

DELEGATE McDONOUGH: Thank you, Mr. Davis.

Mr. President.

CHAIRMAN GRAYBILL: Mr. McDonough.

DELEGATE McDONOUGH: I object to a number of words in this paragraph. I object to the words high quality. I object to the words equitable manner. I object to the words full funding. To get back to a basic point I've made before, this is a mandate to the legislature. We're no longer on goals. We're no longer on preamble. We're on a mandate to the legislature to a certain thing, and we get back to Mr. Brazier's talk of the other day. When you use these type of adjectives, in an equitable manner, you're actually -- you may be leaving it to the supreme court to decide what is high

STATE PUBLISHING CO. HELENA, MONT.

quality. What is distribution in an equitable manner? What is full funding of the educational program? Now, that should be left to the legislature and the legislature only and nobody else. They're the representatives of the people up here to decide fiscal matters, not the Supreme Court of Montana and not anybody else. It's the legislature that has this power and the legislature should have it. I'd like to make a motion as a substitute for all other motions that we strike the last two sentences in this subsection.

CHAIRMAN GRAYBILL: Just a moment. Mr. McDonough has made a motion to strike the last two sentences of subsection two. That's the sentence that the legislature may also provide for other educational institutions, public libraries and educational programs as are deemed desirable, and it shall be the duty of the legislature to provide by taxation or other means, and distribute in an equitable manner funds sufficient to insure full funding of the public elementary and secondary school system. Mr. McDonough, before I give you the floor, I'd like to point out that Mr. Martin does have an amendment coming in to strike the word high and the sentence that you're leaving there so that may be of interest to you. Mr. McDonough has an amendment to strike the last two sentences of this section in their entirety, to delete them.

Mr. McDonough.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE McDONOUGH: Mr. President. I think we're back again on specifics and details and what's constitutional for good intents and purposes, and what's legislative. Actually, the legislature has all the power to do what it says in those last two sentences. I'm sure they will and I have full confidence that they will. There's going to be problems from time to time, but if you leave them in as they are now worded, you're going to have more problems of legal construction on any lawsuits relative to the application of these last two sentences. I think it's certainly sufficient in a constitution to direct the legislature to provide for a quality, free, public elementary and secondary school. Really, it doesn't have to say any more than that. When you get more details than that, you're just opening the door to various constructions, etc. That's all we have to do. If we have confidence in the people of this state to elect a legislature that should represent them, then I don't think we have to say any more than this in this subsection. Thank you.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman. I would rise in opposition to this motion to delete. It seems to me that this, effectively, strips the intent of all that we have said in the goals. It strips the intent of the education article. I wonder if the legislature of the past -- If we look at history, I wonder how Mr. McDonough can say that he has confidence in

STATE PUBLISHING CO. HELENA, MONT.

the work of the legislature in the past, when we think in terms of what has happened to the funding of education and, in particular, in the funding of the school foundation program by the legislature over the past years. I don't share that confidence. Education has taken a back seat long enough in this state. Always when we come down to the end of the session, education takes what's left over after all of the other programs have been funded. I think by putting in the constitution a mandate which says that we will establish a basic program and that the state will fund that program, is very essential. These last two sentences are no more statutory than the sentences which are contained in the present section six. If you look at the present section six, you will find that it says that it is the duty of the legislative assembly to provide by taxation or otherwise, sufficient means in connection with the amount received from the general school fund to maintain a public, free common school in each organized district in the state, for at least three months in each year. This isn't nearly as statutory, it isn't nearly as specific as that is. On the one hand, he argues that we're being too specific and on the other hand, he argues that we are inviting court tests. It seems to me that this is an inconsistency in the argument and I would speak against deleting these two lines -- two sentences -- from the report.

CHAIRMAN GRAYBILL: Mrs. Speer.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE SPEER: I rise to object to Mr. McDonough's amendment because he would include, in the deletion, the second sentence which says that the legislature may also provide for other educational institutions, public libraries and the educational programs as deemed desirable. I want to remind the delegates that this is the first time that there has been any constitutional recognition of public libraries as a part of the educational process in this state. It does not mandate the legislature to provide for a public educational system, but I do think that it is of great value and it will strengthen the public library system in the state, to include this second sentence in subsection two of section one.

(Committee of the Whole chairmanship assumed by Mr. Aasheim.)

CHAIRMAN AASHEIM: Mr. Habedank, you have the floor.

DELEGATE HABEDANK: Thank you, Mr. Chairman. I resist Mr. McDonough's motion to delete. I would again call to your attention what was provided by section six, which Mr. Harbaugh read to you, and section one which I previously read to you, where the legislature was mandated to do this and it saw fit not to do it for many years. We attempted to bring this into fruition through this foundation program, but the legislature was never in a position to adequately fund it. Back in the years about 1952, a constitutional amendment was submitted to the legislature which did not make it through the

STATE PUBLISHING CO. HELENA, MONT.

legislature, to the effect that it would be their duty to fund the state's share of the foundation program 100%. If you carry out Mr. McDonough's motion to delete, you are putting the thing right back in the situation where there are no teeth in this thing whatsoever and I think it is time that the children of Montana have a right to have taxes levied where the property is and spent where the child is for a basic -- again, I want to go back to my motion -- a basic system of public education as determined by the legislature.

CHAIRMAN AASHEIM: Mr. Harrington.

DELEGATE HARRINGTON: I rise to oppose the amendment to delete the words. Now, all through the committee's deliberations, we came up with the word equitable. Were we providing an equitable education in Montana? This was due to the fact that possibly we, in Montana, might face a court case similar to that of California. Now, for some of the delegates who do not understand exactly what the Cerrano-Priest case was, I would like to go over exactly what it was. Now, the California Supreme Court finding on property taxes as the basis for the support of education, has generated considerable turmoil and a back of the drawing boards attitude on the part of the legislature and many school people. Here is some background on the findings prepared by Gordon Winston of the Sacramento legislative office. Cerrano vs. Priest. The now historic case involving school finance in California, began

STATE PUBLISHING CO. HELENA, MONT.

when the western center on law and poverty, a group of attorneys from UCLA, USC and Loyola Law School in Los Angeles, filed a suit in superior court of Los Angeles in August 1968 alleging that the scheme of financing public schools in California did not meet the test of equitable protection guarantees of the Fourteenth Amendment of the constitution, and that the scheme was also a violation of equal protection clauses of the constitution of the state of California. The defendants, various states, and Los Angeles county school and tax officials represented by the state attorney general's office, filed a demurrer to the complaint that was sustained by the court. A demurrer is a legal pleading which says, in effect, assuming everything you say in your complaint is true, so what? The court then gave the plaintiffs permission to amend their complaint to try the state and legal cause of action. The defendants failed to amend the complaint and the court issued a dismissal of the lawsuit. It was this order of the dismissal which appealed to the California Supreme Court and let the decision of Cerrano-Priest. The theory of the plaintiffs' case was based upon the contention that under the system of financing public education in California, the quality of public education varied from district to district because of the accident of the amount assessed wealth, location of commerce and industry with the district. The Fourteenth Amendment of the United States Constitution provides, in part, that no

STATE PUBLISHING CO. HELENA, MONT.

state shall deny any person within its jurisdiction the equal protection of law. The attorneys for the plaintiffs in there arguing the case before the supreme court stated the proposition. A quality public education may not be the function of wealth other than the wealth of the state as a whole. As we went through this case, we found that Montana also would fall into this case with our type of funding of the public education system. In making these statements, I feel that we will reach the point of funding public education in a more equitable manner. Thank you, Mr. Chairman.

CHAIRMAN AASHEIM: Mr. Arbanas.

DELEGATE ARBANAS: Mr. President, fellow delegates. I suppose I have to reveal that I have been in education for some twenty-three years and have been on any number of special meetings of planning where, you know, education is going to be in the next fifty years, hundred years and that sort of thing. It's a very interesting subject, but one of the things they tell us in these meetings is the fact that our schools as we know today may be our minor way of carrying on the challenge of education in the coming years. The little red schoolhouse may graduate into all sorts of other forms. One of the strengths of these last two sentences in this article, is the fact that it does not lock in education in schools as being completely coterminous, that education in the state might well have to be much more than just schools. In planning

STATE PUBLISHING CO. HELENA, MONT.

for the future, it would be unrealistic to let those sentences go.

CHAIRMAN AASHEIM: Mrs. Warden.

DELEGATE WARDEN: Mr. President. I would just like to say that there has been little talk of libraries in this convention, and I have long been interested in libraries so I'll have to reveal my vested interest. I am not a librarian as an official librarian, but I am interested in libraries. I think there is a place in this article for libraries. I think that the education that people can get in future years can come, in a large part, from the public libraries. It is the only place in the community that has the past presidents and the things of the future. I think that before we think about deleting this second sentence particularly, that we should consider the fact that libraries are important. They are an educational field for many, many people who do not go back to adult education or other forms of schools. You have many people that are currently using libraries to help retrain themselves in different jobs. This is a vital thing, and I would hope you would think long and hard before you would delete the words, public libraries, from this educational article.

CHAIRMAN AASHEIM: Mr. Scanlin.

DELEGATE SCANLIN: Mr. Chairman. It isn't very often that I have a chance to resist my good friend, Delegate

STATE PUBLISHING CO. HELENA, MONT.

McDonough in favor of Mr. Habedank on his basic idea. I stand here as a vested interest person, as an instructor in adult basic education with school district number two, Billings, for the past six years. I would hate to see stricken from this article, the words educational programs as are deemed desirable. If I could shift the camera in the opposite direction, you see before you, fellow delegates, a former student of mine who came crawling into our classroom literally on his hands and knees. He was the victim of an oil field accident and paralyzed for three months. Without a high school education, he could go no where. Now, as a result of a program that was adopted by school district number two, Roger Stowakin is putting the camera on me and it should be on him. Thank you, Mr. Chairman.

CHAIRMAN AASHEIM: Mr. Champoux

DELEGATE CHAMPOUX: I rise in opposition to my good friend Swede's motion. I wholeheartedly agree with Mr. Habedank's comments. I think, Swede, maybe we're missing something here. When we talk about equitable, we're talking about something that is equal but notice the word manner. Notice the word manner. Now, what we're talking about here is -- it's m-a-n-n-e-r, by the way -- If you look at the present method of distribution, which is the census method, that is an unequitable manner. The proof of that is right here in this book. It's called a study of basic educational

STATE PUBLISHING CO. HELENA, MONT.

programs funding methodology in Montana. I'm sure you're familiar with it. It's the study that was made by Mr. Mike Billings, superintendent of public instruction, Colberg's office. Now, in here, there is absolute proof that the method of distribution presently is inequitable. As a matter of fact, the variance is ten thousand to one. This is what I mentioned last Saturday when I said that we have evidence that a Cerrano case decision could be won well. I think you'd agree with me on this, wouldn't you? Not only that, but the study shows that wealthier elementary school districts receive more state aid per pupil in support of these programs. My question is, why? I'll tell you why. It's because the manner of distribution has been inequitable, and that's why we changed it. Now, to go on to the second point. If you'll look at this business of full funding, it has been developed that actually the legislature, even though the mandate is in the present constitution, has not fully funded the program. Why? Because they know that whatever is needed back home, some of it can be picked up by the permissive county levy, so they can cop out if they want to. That's exactly what has happened. So, I'm against the amendment. Thank you.

CHAIRMAN AASHEIM: Mr. Rygg.

DELEGATE RYGG: Mr. Chairman. I seem to find some inconsistencies here myself, Mr. Harbaugh. In your explanation of full funding, I understood you to say that you only meant

STATE PUBLISHING CO. HELENA, MONT.

full funding of a basic, minimum program. But, in this same subsection, it says a high quality program. Now surely, I would like to have the legislature full fund it, but it seems to me there would be quite a difference if you're going to full fund a basic program or if you're going to full fund a high quality. I don't know how much difference in money that would be, but to me, it's inconsistent to have this in there. Now, I realize there's an amendment there that would change it to basic, but that hasn't passed yet. So, at the moment, I can't help but think that we are inconsistent when we say we want to full fund a basic program, but in the same sentence, we require a high quality. In defending the legislature, which I've been a member of, I don't think they ever didn't want to; they just didn't have the money. I still say if they are going to full fund on an equal basis, we better not start right at the top. If you're really going to be realistic and find out if we can full fund it, I don't think we can go right to the top right away. You're going to have to let them grow a little bit, I think.

CHAIRMAN AASHEIM: Mr. Harbaugh.

DELEGATE HARBAUGH: A point of order, Mr. Chairman. I think that's not within the section that we're debating.

CHAIRMAN AASHEIM: What is your point, Mr. Harbaugh?

DELEGATE HARBAUGH: We're debating the deletion of the last two sentences and those remarks, while I will respond

STATE PUBLISHING CO. HELENA, MONT.

to those later, I think they're not within the section we're debating now.

DELEGATE RYGG: The section is to delete the two sentences. I figure if we're going to be consistent, you can't have all three sentences in there. So, that would be my reason for debating in that manner.

CHAIRMAN AASHEIM: Mr. Harbaugh.

DELEGATE HARBAUGH: In that case, I'll respond. The -- I don't feel there is any inconsistency. I would disagree with you very much, Mr. Rygg, that there is an inconsistency. If we do not finance a high quality, basic education, then what do we finance? A low quality basic education? I feel that we have a high quality of education in Montana at present. I think that this, in no way, reflects the fact that we are going to do something that sets a standard which is extreme, which is far beyond what we have at present. I think that all we are saying here, simply, is that we want to be sure that as we assess the educational needs of the state, we set forth a realistic standard that is high in quality and what our children and youth ought to be getting. Then, that we fund, that we see to it that the state funds, in some manner. We don't know, at this time, what that manner of funding will be, but we do want to insure that in some manner, the state does fund, at least this basic program. I'm in concurrence with the amendment which Mr. Habedank has proposed. I don't

STATE PUBLISHING CO. HELENA, MONT.

see any inconsistency here.

CHAIRMAN AASHEIM: Mr. Conover.

DELEGATE CONOVER: Mr. Chairman. I'm also on the board of education and I rise in opposition to deleting the last two sentences. If you go back a number of years, the legislature started out on a foundation program appropriating in the neighborhood of eighty, eighty-five percent. What did they do to us two years ago? They dropped to sixty-six percent. And, if I think I'm not mistaken, if you want to get the correct figure, I think it's around sixty-five percent again this year or sixty-six. What does this do? It throws all the burden back on to the districts and the property owners. This is a very hard thing to say, but this is one way that the property owners of Montana have of saying no to the legislature. What are they doing? Voting down our special levies for our elementary and secondary schools. If you think for one moment that we had trouble last year, I want to warn you, we're in serious trouble this year. I know of a lot of districts that are going to be in serious trouble for funding their schools to operate next year. And why? Because the legislature leaves that foundation program the very last thing to provide for in providing for our school system. It is wrong. I don't think if you will ever give the legislature the power to take care of our schools, they will never do it any more than what they have done in the past. Thank you.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN AASHEIM: Mr. Davis.

DELEGATE DAVIS: Mr. Chairman. I, too, am a member of the Education Committee and I'm not a teacher, and I didn't even learn too much there at times, but a lot of effort was made on this. I think, possibly, Mr. McDonough's motion was partially made as a result of maybe a very poor answer I gave to him on his question about whether this dealt with Cerrano, and also possibly because of my Delegate Proposal Sixty-eight which I had proposed. You may have noticed, at the back of your book, that the legislative assembly of Montana shall establish and maintain a general uniform, thorough and equitable system of public free common schools, open to all persons as provided by law. This was not adopted by our committee and that's not the reason I have the only negative vote cast against this in the back of the book. I am for the full funding. There's just no way that I could not concede, as an attorney, Mr. McDonough, that the second sentence that says the legislature may also provide for educational institutions, public libraries and educational programs as are deemed desirable. There's no way I could say anything but that that is statutory because they have that authority whether it's in there or not. They've implemented that starting with vo-techs and community colleges and the great system of education we now have in Montana that has expanded from those few words in our 1889 Constitution. So, I could not argue with you as to

STATE PUBLISHING CO. HELENA, MONT.

the second sentence. It was a bow, in a sense, to the public libraries which we're all for, and they were incorporated and it was placed as the legislature deemed desirable. Also at the time I voted against this particular sentence, it was early when we were more purists than we were now when we had some constitutional thoughts of what should and what should not go in a constitution. We've deviated quite a bit at this time so I don't even object to that sentence. I do think the last sentence would have a lot to do with Cerrano if it were tried in Montana. I have a basic thought. If taxation is equitably derived and equitably distributed, we will meet the test regardless of what formula we come up with. I think if we can go with the basic system of education -- I can't speak for all the committee but I can certainly speak for myself -- when we pass this section, which I voted to pass and with the majority on this, it incorporated the language and Mr. Harbaugh has testified to the language here that he means a basic system -- I think we need a basic system and I think the full funding is very important. It seems to me that we're doing exactly the same thing here that you did, and we're consistent with your action in Revenue and Finance in taking off the two mill levy and leaving it open so there could be funding for this very purpose. Now, if you took the two mill levy off in Revenue and Finance for anything other than education, then I sure hope we can consider that later on again.

STATE PUBLISHING CO. HELENA, MONT.

So, I would oppose the deletion of the last sentence in this and support some amendments as they come along, and I think we'll still have a pretty good section here.

CHAIRMAN AASHEIM: Mr. Hanson.

DELEGATE ROD HANSON: Mr. Chairman. I rise in opposition to deleting the last two sentences of this article as proposed by Delegate McDonough. I'm afraid that if we do this, it may be an indication to the legislature that we're not interested in full funding of the school program. I think that even though we may not get full funding all the time, that by leaving this language in, it at least is an indication that we would like to have full funding. While I'm up, I also want to support Delegate Habedank's amendment to insert the word basic. I think that way, the legislature then would -- we'd go on record as notifying them that we expected them to fully fund a basic education system.

CHAIRMAN AASHEIM: Mr. Burkhardt.

DELEGATE BURKHARDT: Mr. Chairman. I wanted to simply refer, I think, and I'm speaking against the deletion of the two sentences as a member of the Education Committee. I wanted to refer to the report of the Revenue and Taxation Committee on page six, which Mr. McDonough has signed, and simply underscore what a fine lawyer member of our committee, Carl Davis, has just said. I'll read from that page six of their report. Beginning with line eleven: The committee has

STATE PUBLISHING CO. HELENA, MONT.

heard conflicting testimony on the Cerrano case and its application to the Montana situation. The overwhelming weight of the evidence indicates its applicability. The committee simply had to face the possibility that Montana may have to levy a state wide property tax for educational purposes. That possibility was strengthened by the acceptance of the Cerrano doctrine in Texas, Minnesota and New Jersey. I would simply say that you have faced it there and done what you had to. We faced it here and did what we feel we had to.

CHAIRMAN AASHEIM: Mr. Martin.

DELEGATE MARTIN: I wonder if Mr. McDonough will yield to a question, please.

DELEGATE McDONOUGH: Yes, sir.

DELEGATE MARTIN: Mr. McDonough, are you aware of the fact that the voters of California have initiated an initiative to limit the property taxes in California in the light of the Cerrano decision?

DELEGATE McDONOUGH: Yes, I am.

DELEGATE MARTIN: Another question, sir, if I may.

CHAIRMAN AASHEIM: You may.

DELEGATE MARTIN: You're aware also, I presume, of the fact that seventy percent of every tax dollar in the state of Montana is for schools?

DELEGATE McDONOUGH: Yes, I am.

DELEGATE MARTIN: May I say one other -- well, that

STATE PUBLISHING CO. HELENA, MONT.

wouldn't be pertinent.

CHAIRMAN AASHEIM: You may answer that if you want to Mr. McDonough. You didn't finish your answer, I'm sure.

DELEGATE McDONOUGH: What they're doing here is mandating Cerrano vs. Priest into the constitution of the state of Montana. That's what I object to, mandating it.

CHAIRMAN AASHEIM: Mr. Woodmansey.

DELEGATE WOODMANSEY: First of all, I'd like to say that I was a member of this committee that worked on this document. I also think that you should know that I am a teacher, so I do have an interest here. Just a couple of comments regarding the motion to delete these two sections by Mr. McDonough. I think there's fear here that we're asking the state to do all of the financing for education. This is not what we're trying to do. I think what we're trying to do here is to do what the foundation program has not done. I don't think we're trying to eliminate levies at the local level. I don't foresee this and I would hate to see it come. I think that at the local level, still there should be ability or the people should be able to have a higher quality of education and in some other community. I really think the underlying fear here is that the state is going to provide the total financing and this is not true. We're asking for the full funding, and when we're asking that, we're really talking in the sense that we have in the past in this area.

STATE PUBLISHING CO. HELENA, MONT.

Thank you, Mr. Chairman.

CHAIRMAN AASHEIM: Mr. Holland.

DELEGATE HOLLAND: Will Mr. Davis yield to a question?

DELEGATE DAVIS: Why did you come back? Yes, I yield.

DELEGATE HOLLAND: Mr. Davis, I'm a little bit concerned about this public library. I don't understand it. In some towns, the libraries are owned by foundations or sometimes by the city, sometimes by the county. Are you going to build libraries with school funds and fill them up? What is the meaning of that? That has me concerned.

DELEGATE DAVIS: The meaning of public, you know that and the meaning of libraries. That means that if the legislature wants, they can establish public libraries. As I say, there's no question; that's all it means. I defer that to our honorable chairman. I don't know why you asked me, the only lawyer, about the libraries with all the educators on our committee. Maybe Mr. Champoux can answer that. Would that be all right, Mr. Holland?

CHAIRMAN AASHEIM: Mr. Champoux, do you want to answer that?

DELEGATE CHAMPOUX: Please. I would like to answer Mr. Holland. May I also refer to comments --

CHAIRMAN AASHEIM: You have the floor.

DELEGATE CHAMPOUX: First of all, Dave, there is a

STATE PUBLISHING CO. HELENA, MONT.

trend today -- No, to your question, all right? In that it says may. There is a trend today in certain areas. We know of one instance, for instance, in the state of Montana where they're trying to consolidate library facilities in the city. It's a small town in eastern Montana. There's a concept of what's called a learning resource center. So, it is conceivable that in the future in the state of Montana, you might have, for instance, the library in conjunction with the educational institution of the city. By that I mean, there they would have stored things like films, audio visual equipment, etc., and that the schools could also apply themselves in terms of distribution and getting the product. So, we're saying may on the one hand, and we're providing that if the legislature wants to do it, they can. May I refer to Mr. McDonough's question at this point? Swede, the Cerrano case did not only concern taxation in terms of the tax burden, but it also concerned distribution. Have you ever read that case?

DELEGATE McDONOUGH: Yes.

DELEGATE CHAMPOUX: And you know this then. Now, if you look at what we have provided -- We think we have provided as flexible a section as possible, so that if Cerrano does come into being -- and I think you would agree that it's going to come -- then we've made it as flexible as possible so that the legislature could bring into process, if you will,

STATE PUBLISHING CO. HELENA, MONT.

a method of equitable distributing of money in providing the taxation by either direct taxation or other means. Thank you.

(Committee of the Whole chairmanship assumed by Mr. Graybill.)

CHAIRMAN GRAYBILL: Mr. McCarvel.

DELEGATE McCARVEL: Mr. Chairman. I wonder if Mr. Woodmansey would yield to a question.

CHAIRMAN GRAYBILL: Mr. Woodmansey.

DELEGATE WOODMANSEY: I yield.

DELEGATE McCARVEL: Mr. Woodmansey, I'm just one of these that couldn't get an education, so I'd like to be educated here.

DELEGATE WOODMANSEY: I don't say I'll do it, but I'll try.

DELEGATE McCARVEL: You said that this does not mean that the legislature is going to fund all the schools -- public and elementary schools. The way I read this, we say we will insure full funding.

DELEGATE WOODMANSEY: We're talking about the foundation program and I think, Mr. McCarvel, you know as well as I do that in each community throughout the state today, there are voted levies. Even if the foundation program were funded fully, in many communities there would still be voted levies. What I'm saying is that it's my belief, and I think it was the belief of the committee, that in a community that wanted a

STATE PUBLISHING CO. HELENA, MONT.

higher quality education than the basic program provides, they still have the right to have voted levies. The state isn't going to pay the full way in every community necessarily.

DELEGATE McCARVEL: Would Mr. Woodmansey yield to another question?

CHAIRMAN GRAYBILL: Mr. Woodmansey.

DELEGATE WOODMANSEY: Yes, I will.

DELEGATE McCARVEL: I see no place in this article where it says foundation program. It just says it shall be the duty of the legislature to furnish and provide taxation or other means to distribute in an equitable manner, funds sufficient to insure full funding. I don't see where the foundation program comes in here at all.

DELEGATE WOODMANSEY: I feel it's implied in the area where we discussed the area of full funding. I feel that it is implied here. You may not feel so, but I think we felt in the committee that it's implied in this section full funding.

DELEGATE McCARVEL: To me, the section is vacant, Mr. Chairman. I don't know, but I think they should do a little more work on it because my basic education does not grasp anything other than that the state will have to fund the whole school system by taxation.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. McDonough's motion to strike the last two sentences of sub-

STATE PUBLISHING CO. HELENA, MONT.

section two. Now, we'll continue the debate but let's be on the point.

Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman. I'd like to ask Mr. McCarvel to open his constitution to section six of the present constitution and to read the language in section six. It says: It shall be the duty of the legislative assembly to provide by taxation or otherwise sufficient means and then some other words, for the funding of the common schools. The language that we are proposing is really no different from this and I think we are missing the point. I think that the intent of what we're saying in these last sections here is simply that the legislature shall make provisions. The provisions may be to authorize property taxes at the local level. It may be that the legislature may decide to make an appropriation. The legislature already provides the means for the funding of the public schools and, as I see it, this does not change that at all. It simply opens the door so that if we have to change the system in some way, we can do it. We're not locked in.

CHAIRMAN GRAYBILL: Very well. The issue is still on the motion to strike the last two sentences. Now, if you have something new to add, please speak. Otherwise, I think everybody has the idea.

Mr. Joyce.

DELEGATE JOYCE: Mr. Chairman. I may as well put the

STATE PUBLISHING CO. HELENA, MONT.

final coup de grace to Swede McDonough in that I rise in support of Mr. McDonough. (Laughter)

CHAIRMAN GRAYBILL: See if you can make it quick, Mr. Joyce. Go ahead.

DELEGATE JOYCE: This just occurs to me. What if the next session of the legislature repeals the Foundation Act, what will this section mean? It seems to me that we've been talking double-talk all around the room all day, that it means this and it doesn't mean that. When we come right down to it, what everybody means is that the legislature shall provide for a system of high quality, public elementary and secondary schools period. That's what we hope that they will do. That's all they can do. It's up to the people of Montana to be able to fund it if they can, to require them to do something which you can't force them to do anyway. It's just writing nonsense into the constitution. Constitutions are supposed to be to pertain to law. The legislators represent the people of Montana and the people of Montana want to fund their schools if they can afford them, but they don't want to necessarily impose sales tax to do that. I think that's relatively evident. So, it seems to me that the prudent thing to do is to do like the state of North Dakota did and simply say that we'll have a system of free public elementary and secondary schools and that just because we have statutory material in the current constitution, which has been ignored all these years and no

STATE PUBLISHING CO. HELENA, MONT.

one has interpreted them to mean anything, is a good reason why we should get back to basic constitutional law and simply retain the first sentence of the section. Thank you.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. McDonough's motion to strike two sentences.

Mr. Aasheim.

DELEGATE AASHEIM: I assure you that I have something new to add or I wouldn't have rised.

CHAIRMAN GRAYBILL: Good.

DELEGATE AASHEIM: Mr. Chairman. It's going to take me just about one minute. To be against education today was like being against motherhood ten years ago. This also may change. I hope I don't. I also want to express now that I have interest in education because whenever we do not have a child that is properly educated, he may become a charge on the state and it will be my responsibility to help support him. However, I see that you have deviated from our present constitution. You name public elementary and secondary school system. Why didn't you remain with the language to state public schools? Then, you are all inclusive. I also want to warn you about this trend toward centralization of financing public schools. I am very much concerned that it may defeat, eventually, our concern for a better public school system. You know, and my district is one of them -- They are willing to levy taxes to educate their youngsters way and beyond what some

STATE PUBLISHING CO. HELENA, MONT.

of you people realize because there are programs that they want. Some areas want a new gymnasium. By the way, are we building school buildings in this program that you people are advocating? It doesn't say you're not. Under the present system, we can emphasize a music program if we so desire. We can build race tracks. We can have horse racing if we wanted to, if you want to go way out. But, if we're going to centralize our educational program, what incentive will there be on the local level to do a better job for our children? Think about this.

CHAIRMAN GRAYBILL: Mr. Drum.

DELEGATE DRUM: Mr. Chairman. I, too, would like to rise in support of Mr. McDonough's amendment. I feel like I surely got a dirty look from the chairman there, but I have a comment. I would like to share a thought or two with you. First, as I was sitting and listening to the comments and to the expressions on the faces of the body here, I asked myself if I were going to send one person over here to write a constitution that I thought would be the best one for the people of Montana, who would that person be? I'll tell you who that person would be. It would be Swede McDonough. So, when Swede is concerned, I am pretty concerned myself about the impact this may have on our legislative bodies of the future. As I sat in an Education Committee meeting one day, the thought came back to me of a dog race that I had attended at one time

STATE PUBLISHING CO. HELENA, MONT.

in my youth when I was somewhat wayward and I noticed that the greyhounds were chasing a white rabbit around the track. As the greyhounds got closer to the white rabbit, the white rabbit kept getting a little bit faster and faster. There was never any hope of the greyhounds catching that rabbit. I happened to ask one of the people that was working at the track, do the greyhounds ever catch that rabbit? They said no. The biggest problem is not whether they catch the rabbit or not, but whether the rabbit gets too far ahead of the greyhounds. Now, I kind of likened as I sat in the Education Committee, perhaps we, the taxpayers, and you are certainly included in this we, are chasing a white rabbit around a track. I think it is important that we keep a fair gap between the rabbit and the dog, or the taxpayer and education. If it gets a little too far away, the taxpayers are liable to say, I'm tired running; I'm going to take my investment. I'm going to take my business. I'm going to leave Montana. I can't keep up with that white rabbit. Now, in the committee on Education, we heard this testimony, that here in Montana, the taxpayer ranks third in the United States. Of fifty states, we rank third in the individual's contribution to education. That leaves two spots. Number two, which we may be able to attain, but once we get into number one, there's nothing else to compare ourselves with. So, when I puruse this article and I go back to the words which Swede McDonough referred our interest to, in

STATE
PUBLISHING CO.
HELENA, MONT.

the second line, it shall be the duty. I would like to say to Reverend Harbaugh that in his comments he continually uses the word, may, but I would refer him to the writing here, it shall be the duty of the legislature. Down in the next line, to insure full funding of our elementary and secondary schools, and then referring back to the wording in the top of the paragraph of, high quality, free public and elementary education. So, when you take these three phrases and read them together, I personally understand what Mr. McDonough is talking about. I am concerned. I would like to ask the body to consider his amendment and vote in the affirmative on his amendment. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. Chairman. My remarks will be brief too. It said that this wouldn't really make too much of a change. I'd like to point out to you that once you put your school boards in nothing but an administrative position, and instead of being tax collectors as they are now, and responsible for the budget that they set, that they will now be administering the money that they get and every school board will be in there for all they can acquire from the state. I can see no end to the amount of costs that we'll have because all the little frills that we once wanted, we'll now be after. I think this is a very important difference in our school structure, whether it's on a local level or whether it's on a

STATE PUBLISHING CO. HELENA, MONT.

state level as far as the funding is concerned and who's responsible in supplying the money. I have one other question that maybe somebody can answer. These two little words, this other means -- Just for the record, I wonder if the committee would go into a little more detail on what the other means are.

CHAIRMAN GRAYBILL: Mr. Wilson, I'm not going to let Mr. Harbaugh speak until he closes. Do you want to speak, Mr. Wilson? Okay.

Mr. Harrington.

DELEGATE HARRINGTON: Mr. Chairman. I would just like to add one thing. If we adopt Mr. McDonough's amendment and strike these words, we will be taking a step backward. In the constitution of 1889, they said it shall be the duty of the legislative assembly to establish and maintain. We are not even going to give that command, if we adopt his amendment, to the legislature. Thank you.

CHAIRMAN GRAYBILL: Now, Mr. Harbaugh, you may close. You may close on your part and then I'll go to Mr. McDonough to close.

DELEGATE HARBAUGH: I was just rising to respond to the question about other means.

CHAIRMAN GRAYBILL: All right.

DELEGATE HARBAUGH: Other means is the exact language that's taken out of the old constitution. It refers basically

STATE PUBLISHING CO. HELENA, MONT.

to the foundation program -- pardon me, not to the foundation program -- to the income and interest funds that are presently distributed to the schools. This is not a taxation levy, but this is a distribution of the I and I money.

CHAIRMAN GRAYBILL: Very well. Mr. McDonough, now you may close.

DELEGATE McDONOUGH: Mr. President, this will be short. Actually, I'm in full agreement with the Cerrano vs. Priest case and the Cerrano vs. Priest case is covered very fully under goals of section one where it says that the quality of educational opportunities shall be guaranteed to each person in this state. That's basically all that Cerrano vs. Priest said. As to the distribution of money, etc., we're getting back into a legislative thing by that last sentence of subparagraph two. It should be stricken and left entirely to the legislature to guarantee the equality of educational opportunities to every person in the state. Thank you.

CHAIRMAN GRAYBILL: Very well. Do you want a roll call vote? Very well. Mr. McDonough's amendment would strike lines fourteen to nineteen -- strike the last two sentences of subparagraph two of section one and would leave just the first sentence of subparagraph two. So many as shall be in favor of his amendment, please vote Aye on the voting machines. So many as shall be opposed, please vote No. Has every delegate voted? Does any delegate wish to change his vote? Take the

STATE PUBLISHING CO. HELENA, MONT.

vote.

Aasheim	- Aye	Champoux	- Nay
Anderson, J.	- Aye	Choate	- Aye
Anderson, O.	- Aye	Conover	- Nay
Arbanas	- Nay	Cross	- Abs
Arness	- Aye	Dahood	- Abs
Aronow	- Aye	Davis	- Nay
Artz	- Aye	Delaney	- Aye
Ask	- Abs	Driscoll	- Nay
Babcock	- Aye	Drum	- Aye
Barnard	- Nay	Eck	- Nay
Bates	- Aye	Erdmann	- Aye
Belcher	- Aye	Eskildsen	- Aye
Berg	- Nay	Etchart	- Aye
Berthelson	- Aye	Felt	- Abs
Blaylock	- Nay	Foster	- Aye
Blend	- Nay	Furlong	- Abs
Bowman	- Aye	Garlington	- Nay
Brazier	- Aye	Graybill	- Nay
Brown	- Aye	Gysler	- Aye
Bugbee	- Aye	Habedank	- Nay
Burkhardt	- Nay	Hanson, R. S.	- Aye
Cain	- Nay	Hanson, R.	- Nay
Campbell	- Nay	Harbaugh	- Nay
Cate	- Nay	Harlow	- Nay

STATE PUBLISHING CO. HELENA, MONT.

1	Harper	-	Nay	Payne	-	Nay
2	Harrington	-	Nay	Pemberton	-	Aye
3	Heliker	-	Nay	Rebal	-	Abs
4	Holland	-	Nay	Reichert	-	Nay
5	Jacobsen	-	Nay	Robinson	-	Nay
6	James	-	Nay	Roeder	-	Abs
7	Johnson	-	Abs	Rollins	-	Nay
8	Joyce	-	Aye	Romney	-	Aye
9	Kamhoot	-	Aye	Rygg	-	Aye
10	Kelleher	-	Nay	Scanlin	-	Nay
11	Leuthold	-	Aye	Schiltz	-	Nay
12	Loendorf	-	Aye	Siderius	-	Nay
13	Lorello	-	Nay	Simon	-	Nay
14	Mahoney	-	Aye	Skari	-	Aye
15	Mansfield	-	Aye	Sparks	-	Abs
16	Martin	-	Aye	Speer	-	Nay
17	McCarvel	-	Aye	Studer	-	Aye
18	McDonough	-	Aye	Sullivan	-	Nay
19	McKeon	-	Nay	Swanberg	-	Aye
20	McNeil	-	Aye	Toole	-	Nay
21	Melvin	-	Aye	Van Buskirk	-	Abs
22	Monroe	-	Nay	Vermillion	-	Nay
23	Murray	-	Abs	Wagner	-	Aye
24	Noble	-	Nay	Ward	-	Nay
25	Nutting	-	Aye	Warden	-	Nay

STATE
PUBLISHING CO.
HELENA, MONT.

Wilson - Aye Woodmansey - Nay

CLERK HANSON: Mr. Chairman. Forty-three Delegates voting Aye, forty-six voting No.

CHAIRMAN GRAYBILL: Forty-tnree having voted Aye, and forty-six No, the amendment fails. We're now back on Mr. Habedank's motion about the word basic -- to add the word basic on line thirteen so it says, a basic system of high quality education and add the word basic on line twenty to make it of the basic elementary system. Is there any other discussion of that matter?

Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman. I support the basic -- the addition of the word basic here. I would like to ask Mr. Habedank, however, if he feels that it is necessary to include it in line twenty. It seems to me that it's somewhat redundant there.

DELEGATE HABEDANK: Mr. Harbaugh, of the two places, I would consider basic more needed in line twenty than in line thirteen. I don't consider it redundant in either place.

DELEGATE HARBAUGH: I have no objection to it.

CHAIRMAN GRAYBILL: Do you want to close, Mr. Habedank? Have you?

DELEGATE HABEDANK: I close.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. Habedank's amendment to add the word basic in line thirteen

STATE PUBLISHING CO. HELENA, MONT.

and in line twenty. Mr. Romney, did I miss you? Do you want a roll call?

DELEGATE ROMNEY: Yes.

CHAIRMAN GRAYBILL: A roll call vote. All those in favor of adding the word basic, vote Aye and those opposed, vote No. Have all the delegates voted? Does any delegate want to change his vote? Very well. Close the ballot.

Aasheim	- Aye	Brown	- Aye
Anderson, J.	- Aye	Bugbee	- Nay
Anderson, O.	- Aye	Burkhardt	- Nay
Arbanas	- Aye	Cain	- Aye
Arness	- Aye	Campbell	- Abs
Aronow	- Aye	Cate	- Aye
Artz	- Aye	Champoux	- Aye
Ask	- Abs	Choate	- Aye
Babcock	- Aye	Conover	- Aye
Barnard	- Aye	Cross	- Abs
Bates	- Aye	Dahood	- Abs
Belcher	- Aye	Davis	- Aye
Berg	- Aye	Delaney	- Aye
Berthelson	- Aye	Driscoll	- Aye
Blaylock	- Aye	Drum	- Aye
Blend	- Aye	Eck	- Aye
Bowman	- Aye	Erdmann	- Aye
Brazier	- Aye	Eskildsen	- Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Etchart	- Aye		Mahoney	- Aye
2	Felt	- Abs		Mansfield	- Aye
3	Foster	- Aye		Martin	- Aye
4	Furlong	- Abs		McCarvel	- Aye
5	Garlington	- Aye		McDonough	- Aye
6	Graybill	- Aye		McKeon	- Aye
7	Gysler	- Aye		McNeil	- Aye
8	Habedank	- Aye		Melvin	- Aye
9	Hanson, R. S.	- Aye		Monroe	- Aye
10	Hanson, R.	- Aye		Murray	- Abs
11	Harbaugh	- Aye		Noble	- Aye
12	Harlow	- Aye		Nutting	- Aye
13	Harper	- Aye		Payne	- Aye
14	Harrington	- Aye		Pemberton	- Aye
15	Heliker	- Aye		Rebal	- Abs
16	Holland	- Aye		Reichert	- Aye
17	Jacobsen	- Aye		Robinson	- Aye
18	James	- Aye		Roeder	- Abs
19	Johnson	- Aye		Rollins	- Abs
20	Joyce	- Aye		Romney	- Aye
21	Kamhoot	- Aye		Rygg	- Aye
22	Kelleher	- Nay		Scanlin	- Aye
23	Leuthold	- Aye		Schiltz	- Aye
24	Loendorf	- Aye		Siderius	- Aye
25	Lorello	- Aye		Simon	- Aye

STATE PUBLISHING CO. HELENA, MONT.

Skari	-	Aye	Van Buskirk	-	Aye
Sparks	-	Abs	Vermillion	-	Aye
Speer	-	Aye	Wagner	-	Aye
Studer	-	Aye	Ward	-	Aye
Sullivan	-	Aye	Warden	-	Aye
Swanberg	-	Aye	Wilson	-	Aye
Toole	-	Aye	Woodmansey	-	Aye

CLERK HANSON: Mr. Chairman, eighty-six Delegates voting Aye, three voting No.

CHAIRMAN GRAYBILL: Eighty-six having voted Aye, three voting No, the motion to add the word basic prevails. Ladies and gentlemen, we have some other amendments to subsection two of section one. Before we take them up, I'd like to call on Mr. Eskildsen. Mr. Schiltz, do you have a matter before then?

DELEGATE SCHILTZ: Yes, Mr. Chairman. Members of the Committee, there's a gentleman sitting today at a desk that I once occupied when Mae Nan Robinson was four years old and I'm sitting at a desk in the approximate area that he occupied at that same time. I would like to call your attention to the presence of a great citizen of Montana, a gentleman who was the speaker of this house of representatives several times in an era when we had some legislative giants in Montana, and the father of our president, Mr. Leo Graybill, Sr. Would you all give him a hand? (Applause)

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Thank you very much, Mr. Schiltz. I did explain to him that if he voted there, it was a felony. (Laughter) Mr. Garlington and Mr. Gysler are taking good care of him.

Mr. Eskildsen.

DELEGATE ESKILDSEN: I move we recess until 3:45 o'clock this afternoon.

CHAIRMAN GRAYBILL: The motion is to recess until 3:45 o'clock P.M. All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

(No response)

CHAIRMAN GRAYBILL: So ordered.

(Recess 3:25 o'clock P.M.)

(Changed Tape)

(Committee of the Whole)

Reconvened 3:50 o'clock P.M.

CHAIRMAN GRAYBILL: The committee will be in order. Ladies and gentlemen, I want to make an announcement which may be of interest to you. It's the management's intention not to work tonight. I find that it's very difficult on some of you when we work too long. However, I would like to suggest that you might read carefully the rest of the book and get yourself ready for tomorrow so it doesn't take quite so long. We want to finish this article tomorrow. If we finish

STATE PUBLISHING CO. HELENA, MONT.

this article, which will, I think in itself, be difficult, we'll still be one day behind and we intend, therefore, to work Monday. So, if you need to make plans based on that, you might want to make them. We intend to work Monday, but not work tonight. Very well. The issue is on section one, subsection two. We have a number of amendments presented. The Chair will first recognize Mr. Martin. Do you want your amendment read from the Chair, Mr. Martin?

DELEGATE MARTIN: Yes, sir.

CHAIRMAN GRAYBILL: Will the clerk please read Mr. Martin's amendment?

CLERK HANSON: (Reading) Mr. Chairman. I move to amend section one, subsection two, page eight of the Education and Public Lands Committee Proposal Number Ten as follows: At line sixteen, page eight, by deleting the word, high. And, further amend at line twenty-two, page eight, by adding between the word, manner, and the word, funds, the following words quote, to the several school districts of this state, end quote. Signed, Martin.

CHAIRMAN GRAYBILL: Very well. The point of Mr. Martin's amendment is to strike the word, high, on line thirteen at the end of the line there so that the sentence reads: The legislature shall provide for a system of -- for a basic system of quality free public elementary and secondary schools, instead of high quality, and then to add on line nineteen, if

STATE PUBLISHING CO. HELENA, MONT.

you have your books, after the word, manner, the phrase, to the several school districts of the state, so that that phrase reads: and distribute in an equitable manner to the several school districts of the state, funds sufficient to insure full funding of the basic public elementary and secondary school system.

Mr. Martin.

DELEGATE MARTIN: Mr. President. It seems obvious that we don't need high when we're talking about quality because it contains the same language. So, I think I'll just stop at that. I would call your attention to the fact that section six of the present constitution provides that it shall be the duty of the legislative assembly to provide by taxation or otherwise sufficient means in connection with the amount received from the general school fund, to maintain a public, free, common school in each organized district of the state for at least three months of the year. In section five, we also have the reference to the several districts of the state. It would seem that the present article completely omits the reference to school districts and I would think that we don't want to see that happen.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman. I wonder if Mr. Martin would yield to a question.

CHAIRMAN GRAYBILL: Mr. Martin, will you yield?

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE MARTIN: Yes.

DELEGATE HARBAUGH: Mr. Martin, would you have any objection to dividing your amendment, because as a committee, there may be a difference between how the committee feels about this? We have no real strong objections to deleting the word, high, but we do have serious reservations about the last part of that amendment and I would explain our reasons for that. Would you consider dividing your motion?

DELEGATE MARTIN: Sure.

CHAIRMAN GRAYBILL: Is it my understanding, Mr. Martin, that you want to divide your motion?

DELEGATE MARTIN: I'd be agreeable if that's the way they want to go.

CHAIRMAN GRAYBILL: All right. Let's take the word, high, first. We'll hold the rest of Mr. Martin's amendment and we'll discuss only the deletion of the word, high. Is there any further discussion of that? If not, all in favor of deleting the word, high, on line thirteen so that the sentence reads that the legislature shall provide for a basic system of quality, free public elementary, etc., please say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: That's passed and adopted. Now, Mr. Martin, we'll allow you to have the second part of your

STATE PUBLISHING CO. HELENA, MONT.

amendment. Is there discussion?

Mr. Martin.

DELEGATE MARTIN: Do you want me to move it again?

CHAIRMAN GRAYBILL: No, you don't need to move it again. Is there discussion?

Mr. Harbaugh.

DELEGATE HARBAUGH: Yes, Mr. Chairman. We feel that there is a reason why we deleted these words. These words were in the present constitution and their inclusion in section one, I think, could cause serious problems for us in this respect. The distribution of funds to the various districts involves distribution of the interest and income money of the state. The way in which that distribution has been done in the past is on what you might call a flat grant basis. In other words, each district of the state gets so much money per child that they have in attendance in a school district. Now, this has been part of the problem causing an inequity in the financing in the systems. The flat grant method of financing in our state is one of the things that causes the spread between the wealthier districts and the poorer districts to be greater. Therefore, there may be instances in the distribution of this money, if we're concerned about equalizing the financial funding of the school systems, in which a district would not be eligible to receive the I and I funds if we're trying to equalize education. Therefore, to add here the language to

STATE PUBLISHING CO. HELENA, MONT.

the several school districts, may indicate that each district was to receive the I and I funds. We feel that this could be a problem, a sort of roadblock in the way of equalizing the education expenditures across the state. So, we resist the inclusion of these words in subsection two.

CHAIRMAN GRAYBILL: Very well. Is there --

Mr. Wagner.

DELEGATE WAGNER: I'd like to ask Mr. Harbaugh a question.

CHAIRMAN GRAYBILL: Mr. Harbaugh, will you yield?

DELEGATE HARBAUGH: I yield.

DELEGATE WAGNER: Gene, don't you say that the funds will be distributed in an equitable manner? Wouldn't that take care of that?

DELEGATE HARBAUGH: Mr. Chairman, yes, I think it would. This is what we're aiming at is an equitable distribution of the funds. I think that the inclusion of this phrase would be a limitation on that possibly that we wouldn't want to see in there.

CHAIRMAN GRAYBILL: Mr. Martin

DELEGATE MARTIN: Mr. Chairman. I wonder if Delegate Harbaugh would yield to a question.

CHAIRMAN GRAYBILL: Mr. Harbaugh, will you yield?

DELEGATE HARBAUGH: Yes, I yield.

DELEGATE MARTIN: Presently, hasn't the foundation

STATE PUBLISHING CO. HELENA, MONT.

program enacted legislation which provides for a twenty-five mill and a fifteen mill, forty mills, in each county for equalization?

DELEGATE HARBAUGH: Yes, it has.

DELEGATE MARTIN: Is it the intent of the committee that this would be abandoned and that all taxes would be paid or all funds would be supplied by the state rather than the counties?

DELEGATE HARBAUGH: No, this is not necessarily the intent of the committee. All we are doing, Mr. Martin, is trying to leave the door open for some new system. We don't know what the system will be, but we don't want to place impediments in the road of possibly that system of funding.

DELEGATE MARTIN: Don't you think that the legislature should have some leeway in what they could do?

DELEGATE HARBAUGH: That's precisely what we're attempting to do.

CHAIRMAN GRAYBILL: Very well.

Mr. Martin.

DELEGATE MARTIN: Mr. Chairman. It seems to me that education is the grassroots of the people and that the school boards are an integral part of this movement and that the general public has some rights. We have given powers to the legislature in the legislative article to have annual sessions to meet the problems as they arise. We haven't got the Cerrano

STATE PUBLISHING CO. HELENA, MONT.

Priest decision here yet. It probably will be several years before it comes, and I think that some consideration should be given to the counsel and judgment of the school districts throughout the state.

CHAIRMAN GRAYBILL: Mrs. Cain.

DELEGATE CAIN: I think if Mr. Martin will look at our section eight, he will notice that we, too, are recognizing the school districts and the election process of the district trustees.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I would like to state first of all that the committee believes that the local school board is the very basic foundation of our educational program. There is no intention, whatsoever, to take anything away from the local school districts. However, there are some problems here that were very obvious to us in the Education Committee that have studied this extensively, that we're trying to bring out to you and they're not coming through. For instance, if you look at the current method of distribution which is called the census -- This provides that every child between the age of six and twenty-one is going to be counted. Then, they are going to distribute the money on the basis of that count. Now, what has resulted from that? We have found out. In some cities -- take Butte for an example. I was talking to Joe about it just a little while ago. Butte has a larger

STATE PUBLISHING CO. HELENA, MONT.

population -- catholic population -- than typically another city has. In that city, every child between the ages of six and twenty-one is counted and the funds are distributed to the public school system. Now, if you take another city that doesn't have any catholics we'll say, or any other nonpublic schools, the amount of money that would be distributed in that city would be less than the amount of money that would be distributed to a district with a lot of nonpublic students. This is unequal. It is an inequity and Cerrano does apply. If you study this foundation program and how it has developed, it does provide, as Fred has said, county equalization. That is not going to be taken away by this section whatsoever. That is a determination of the legislature, as Mr. Martin knows. The thing we're talking about in the middle here is this business of state equalization though. For instance, when we talk about full funding of state equalization, we're not talking about one hundred percent of all of the funds. That doesn't mean that every school district is going to get total funding from the state. We're asking for total funding of the state's obligation, by taxation or other means. I hope that will clear up a little bit more.

CHAIRMAN GRAYBILL: Mr. Harrington.

DELEGATE HARRINGTON: Mr. Chairman. I would like to go a little bit deeper than Mr. Champoux. Now I, as a delegate from Butte -- The first thing that came up and, of

STATE PUBLISHING CO. HELENA, MONT.

course, we have to go ahead on this answer because I think it all comes into perspective in this particular section. Now, when this first came up, the dropping of the census which will be in section five as a basis -- Now, I'm going to the legislature to choose what method they will use. In other words, for using this I and I money. I protested quite vigorously. I felt that Butte -- Silver Bow County -- would suffer greatly through this change because we do have quite a parochial school attendance. Of course, I did quite a bit of investigating myself on this matter. I found that through the equalization process that we will have after this, the money that will not be distributed exactly on the number of students, will come back to the school districts and will come back on the foundation program. Actually they will, from what I could see, benefit from this even more. In other words, if someone had the idea that possibly they would lose on this, this is not true, by going away from the census and letting the legislature decide whether they go on the A & B or any other type of funding. I hope I have made it a little clearer on this one point, that these cities with parochial schools will not lose tax money because of this change.

CHAIRMAN GRAYBILL: Are you ready to close, Mr. Martin?

DELEGATE MARTIN: Would Delegate Champoux yield to a question, please?

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I will yield.

DELEGATE MARTIN: Under the provision of this article as it's written, would you say that there would be an opportunity to expend some of the state educational funds for other purposes than for the districts and elementary and secondary schools?

DELEGATE CHAMPOUX: What, specifically, are you referring to, Mr. Martin, when you say for other?

DELEGATE MARTIN: Well, supposing we talk about community colleges.

DELEGATE CHAMPOUX: All right, suppose we do. Go ahead.

DELEGATE MARTIN: Isn't there that possibility that some of these funds could be used for that? Should the decision be left within the constitution or shouldn't it be left to the legislature?

DELEGATE CHAMPOUX: Mr. Martin, if you will read the first sentence in here, it mandates the legislature to provide for the system. Therefore, I think that's all that has to be said. The legislature has the provision.

DELEGATE MARTIN: Why is it that the committee doesn't consider the school boards?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Well, we have considered the

STATE PUBLISHING CO. HELENA, MONT.

school boards, Mr. Martin. If you remember my opening remarks, I amended section five where it says, school districts period. There, you see, the funding again that Mr. Woodmansey will enlighten you on when we get to that section. So, we haven't taken out the school districts. They're there. We love them. We hope they remain there. Thank you.

CHAIRMAN GRAYBILL: Mr. Harlow.

DELEGATE HARLOW: Mr. Chairman, fellow delegates. It seems to me that we are spending a lot of time and being completely confused about the amendment that Mr. Martin has here. I feel that it is very essential and something that will not detract from the integrity of the Education Committee, but will make it a little clearer to whom this money is going to be distributed. It will merely be distributed equitably to the several school districts. I think it's a good amendment. I realize the committee seemed to have a moral obligation to themselves to get their exact wording put into the constitution that they have labored so laboriously on and are cherishing so dearly. But, from a truly educational standpoint and an executive operation standpoint, I feel that these words are very useful and will tend to take away any fear that the school districts or the school people may have about how this money is to be distributed and to whom it is to be distributed. I hope we vote soon and in favor of Mr. Martin's motion.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Mr. Gysler.

DELEGATE GYSLER: Mr. Chairman. If I heard right, the committee said that this -- that the words in Mr. Martin's motion are what they intended. I feel that if this is going to not be against what the committee intended and make it clearer for the people that read it, I think we should put these words in. I support the amendment.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Just to make the point clear, we would agree to go for the school districts. You can put that in. However, if you say several school districts, you may run into some problems because this reenforces the inequalities of wealthy districts vs. poor. But, you can put in school districts as far as I'm concerned. Thank you.

CHAIRMAN GRAYBILL: Mr. Barnard.

DELEGATE BARNARD: Mr. President. I rise in opposition to the substitute motion. We're getting right back into this problem which the committee tried to avoid all through its work of setting up something that would be hard for the legislature to face any proposition they might have to face under the Cerrano vs. Priest case. We want to give them plenty of leeway and if we tie this down to each of the school districts, then we get right back into the very same thing that was stated in Cerrano vs. Priest. While I'm speaking here, I'd like to make one other statement. I am sure no one

STATE PUBLISHING CO. HELENA, MONT.

on the Education Committee had any idea, in any manner, of deteriorating from the position of our present school districts. They like them and they want to keep them. One thing we're all overlooking is that we may not be faced with Cerrano vs. Priest. We may be faced with a charge under the Fourteenth Amendment of the United States Constitution, and then where will our small school districts be if we don't provide the leeway that the Education Committee has tried to provide for meeting those situations?

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Mr. President and fellow delegates. I think we've got to realize a problem and that is that there is no one but the legislature that can provide the finances for the school district because we've passed the Revenue and Finance section which says that the legislature is going to equalize. So, there's nobody but the legislature that can do this. That's one reason it's here. For the purpose of the record, I think that if you have a foundation program or whatever means -- say you have so many mills in our district or in any district -- The main idea is that if the state sets up a program or formula and says your district's share is this and our share is this, then they pay their share. In other words, they fund their part of it and that's the big problem we've been having now with our schools throughout the state of Montana. They don't pay their share of their

STATE PUBLISHING CO. HELENA, MONT.

own formula that they've set up and adopted. Then, we have to come back and have an additional voted levy at the district level and the people don't understand why the schools are doing this. So, I think the record should show and I can confirm for the purposes of the record, that at no time in the Education Committee's hearings have we ever discussed operating schools other than through your local school boards and through your local districts, and we certainly wouldn't want it any other way. I personally have no objections to the fact that the school districts should be in there whether you want to put several or however you want to put it in. I think it'll all come out the same because I know no legislature is ever going to change that either because they're all elected from someplace too.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: Will Mr. Davis yield to a question?

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: I yield.

DELEGATE HARPER: Mr. Davis. I see what Mr. Martin is getting at. He wants to make sure that several school districts are mentioned in here, but for a layman reading it, when you say to distribute in an equitable manner to the several school districts of the state, does that imply -- it does to me -- an equal amount to each of the school districts?

DELEGATE DAVIS: Well, I don't think so. That

STATE PUBLISHING CO. HELENA, MONT.

wouldn't be my thinking on it. I think under the Cerrano case they say that what is equitable can be based on need. It's based on need right now and it's inequitable. That's what Revenue and Finance told us. Some counties weren't assessing up to the full value and others were. So then the state funded the in between. Does that answer it?

DELEGATE HARPER: Yes.

CHAIRMAN GRAYBILL: Mr. Hanson.

DELEGATE ROD HANSON: Mr. President. I've been following this with interest to see where I've missed the point here. If this isn't distributed to some body, such as the school district, who is it going to be distributed to?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: When you use the term, elementary and secondary school system, there isn't a single elementary or secondary school outside of a school district in any system in the state of Montana. Now, if you want to put in school districts, it's fine. But, several might have problems with that word.

CHAIRMAN GRAYBILL: Mr. Martin.

DELEGATE MARTIN: Would Mr. Davis yield to a question?

DELEGATE DAVIS: Mr. Martin, I yield.

DELEGATE MARTIN: Isn't it true that under the foundation program now, that within the counties there is what you might call inequitable distribution? It depends on how

STATE PUBLISHING CO. HELENA, MONT.

you use the word equitable. They distribute money within the counties on an A & B basis so each person gets the same per A & B. But, in a district that only has ninety thousand valuation vs. a rich district that has eight hundred thousand, it's grossly inequitable. So, there does have to be some other bases of equity in there. In other words, if you have a district that has a railroad running through it, and then you have a district that doesn't have a railroad, the district that doesn't have the railroad gets a larger share of the county equalization fund, is that right?

DELEGATE DAVIS: Well, the first thing, if you've got a railroad, you don't need much else. (Laughter) That's as far as valuation is concerned. I'm not too sure I can answer that accurately. If you have a railroad, of course, you have a great deal of a valuation but you could have another district without a railroad that could be bigger and have more. So, I couldn't really answer it on just that set of facts.

DELEGATE MARTIN: That was the real purpose of the foundation program as I recall it and is my understanding of what it amounts to. The point I'm getting at is that I think the school system of Montana needs the school districts and needs the school officials that would make them a part. I can't see why the opposition to this.

DELEGATE DAVIS: Mr. Martin, to clarify a thing, if

STATE PUBLISHING CO. HELENA, MONT.

I could answer the question, it seems to me that we're now on the same side. Everybody has agreed to your amendment so let's vote and get something else.

CHAIRMAN GRAYBILL: Mr. Davis, will you yield to a question from the Chair?

DELEGATE DAVIS: I'll yield, Mr. President.

CHAIRMAN GRAYBILL: You say to the several school districts. Is there any sense in which that can mean the present school districts?

DELEGATE DAVIS: It seems to me that it'll have to be to the school districts that exist at the time the distribution is made. School districts are changing all the time throughout the state, like consolidation, annexation or abandonment.

CHAIRMAN GRAYBILL: Very well. Is there other discussion?

Mr. Harbaugh.

DELEGATE HARBAUGH: I'd like to ask a question of Mr. Martin. How do you interpret the word several? Do you interpret the word several to mean each?

DELEGATE MARTIN: No. I think that we could interpret this last sentence as a duty of the legislature. It's a legislative mandate. It isn't anything else and the legislature can do whatever it wants with that. If we're going to have consolidation of districts as we do now, you wouldn't

STATE PUBLISHING CO. HELENA, MONT.

have several school districts. If you recall, the Peabody Report some years ago advocated that there only be one district in each county and that could happen by legislative action.

DELEGATE HARBAUGH: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: I think his answer helps me some. At least if several does not mean each, we're making progress. The concern of the committee is not to try to deny the local school district any autonomy. It is not a subversive plot to take school districts out of the constitution. We simply are trying to free up the constitutional language here in such a way that the legislature can, in an equitable manner, give funds to school districts which need it. Now, if we give, on a flat grant basis, money to every district, we upset the apple cart of equality. If we give money on the basis of equalizing to those which need it because they have low evaluation, then we can equalize. This is the only reason that we have deleted this language.

CHAIRMAN GRAYBILL: Very well.

Mr. Champoux.

DELEGATE CHAMPOUX: I'd be remiss if I didn't answer Mr. Martin this question. Mr. Martin, do you feel under this, that some school districts would not get equalizing funds?

DELEGATE MARTIN: No.

DELEGATE CHAMPOUX: Do you feel that everyone then

STATE PUBLISHING CO. HELENA, MONT.

would get some funds even though it was unequal within the district?

DELEGATE MARTIN: I think that under the present foundation program, there could be equalization. I think that the way this is worded in this section, it still would be up to the legislature to do that. When we're speaking in terms of how we're going to distribute funds, we've got to recognize that we have implemented the powers of the legislature, given them an opportunity to meet more often, developed more committees and to work out the program. I would say that with this amendment, you can work it out in good shape.

DELEGATE CHAMPOUX: My only answer to that, sir, is that if you read Billing's study, the question is why do we then have a variation of ten thousand to one? Thank you.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. Martin's motion to add the phrase, to the several school districts of the state, on line nineteen, section one, sub two. So many as shall be in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Chair is in doubt. So many as are in favor of that motion, vote Aye. So many as are opposed, vote No. Has every delegate voted? Any delegate wish to change his vote? Very well. Forty-four having voted

STATE PUBLISHING CO. HELENA, MONT.

Aye and forty-one having voted No, the Chair says that the amendment carries. I think it's obvious from the vote however that we don't all understand what we're doing. I'm sure I don't if the rest of you do. Very well. It's passed. Mr. Artz, you have an amendment. May the Chair read it? Mr. Clerk, will you read the amendment of Mr. Artz?

CLERK HANSON: (Reading) Mr. Chairman. I move to amend section one, subsection two, page three, line seventeen through twenty, by deleting the following language -- by deleting the last sentence. It shall be the duty of the legislature to provide by taxation or other means and to distribute in an equitable manner to the several school districts of the state, funds sufficient to insure full funding of the basic elementary and secondary school system. Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Artz. We have now amended the last sentence. Do you intend to delete the part we just put in too?

DELEGATE ARTZ: Yes, Mr. Chairman.

CHAIRMAN GRAYBILL: Very well. Mr. Artz's amendment has the effect of deleting the sentence on line seventeen to twenty, including the part we just put in.

Mr. Artz.

DELEGATE ARTZ: Mr. Chairman. When Mr. McDonough brought up his original motion to delete both sentences, I had mixed emotions because I certainly did not want to elimin-

STATE PUBLISHING CO. HELENA, MONT.

ate libraries. I did not want to eliminate vo-techs or the university system. But, when Mr. McDonough worries -- and I worked with him on Revenue and Finance for a long time -- about what this last line could do, I got very worried. This thing has been discussed fully and that's all I have to say. Thank you.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: I just rise to say that it hasn't been discussed nearly as fully here as it was in the committee. The committee is pretty firm about its feeling about this last sentence. I ask you to vote against the amendment.

CHAIRMAN GRAYBILL: Very well. The issue arises on Mr. Artz's -- Mr. Nutting, are you up?

DELEGATE NUTTING: Yes, Mr. Chairman.

CHAIRMAN GRAYBILL: Okay.

DELEGATE NUTTING: Just one comment. I think there is a little misunderstanding on what full funding of the foundation program means. Now, the foundation program is based on three principles. First you have a basic levy that is throughout the state. Next, the amount of money that the legislature has by other means, other than property normally, is offered to equalize the program throughout the state. If you want more than that, then there are voted levies. Now, we're talking about forty mills, but forty mills is merely the figure set by the legislature. So, to fully fund the

STATE PUBLISHING CO. HELENA, MONT.

program, the legislature can take the money that they have available from other sources -- let's say it's forty million for the biennium -- and if they can't fully fund the program, they don't have to add a dollar from the state level. All they have to do is increase the mill levy on the local level. The basic levy can go up from forty to fifty to sixty, whatever it needs to be and the program is fully funded. There hasn't been one more dollar come in from state funds, but I think we should understand that when we talk about full funding that it doesn't mean that there will be more money available from the state level.

CHAIRMAN GRAYBILL: Mr. Brown.

VICE PRESIDENT BROWN: Mr. Chairman. I rise in support of Mr. Artz's motion. While we were discussing Mr. McDonough's motion, I went through all these other constitutions in our blue and white book. They're all very simple in this particular area. The model constitution is the same way, the North Dakota Constitution, and I do like it. This will allow complete flexibility by reason of any change in the federal laws or the constitution. This is legislative and we've been arguing for three hours and showing why it is legislative. So, I certainly wholeheartedly endorse this motion.

CHAIRMAN GRAYBILL: Mrs. Babcock.

DELEGATE BABCOCK: Mr. Chairman. May I ask Mr.

STATE PUBLISHING CO. HELENA, MONT.

Nutting a question, please?

CHAIRMAN GRAYBILL: Mr. Nutting.

DELEGATE NUTTING: Yes.

DELEGATE BABCOCK: In this section, it doesn't say to fully fund the foundation program, does it?

DELEGATE NUTTING: No, it doesn't, but that has been the discussion on the floor is the full funding of the basic education.

DELEGATE BABCOCK: Well, this wouldn't provide the same type of funding then, would it?

DELEGATE NUTTING: The discussion has been that it would be based on the foundation program.

CHAIRMAN GRAYBILL: Very well. The issue is on whether or not to sustain Mr. Artz's amendment which has the effect of deleting the last sentence of subsection two of section one.

Mr. Jacobsen.

DELEGATE JACOBSEN: Mr. President. Would Mr. Champoux yield to a question?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I feel like Wade Dahood. Yes, I'll yield.

DELEGATE JACOBSEN: We all know that the school foundation program has for many years fallen short of the eighty percent of the hundred percent of funding promised in

STATE PUBLISHING CO. HELENA, MONT.

our present law. As Mr. Nutting said, this could be increased and we could have fully funded this, but it would come from the same source, taxes. Property owners must always pick up the difference in special levies. Now, have you considered how the legislature will raise the cash to fully fund this foundation program?

DELEGATE CHAMPOUX: Oh boy. Yes, we did, but we threw it to the Mitchell gang. In other words, when we started out with this, the committee was faced with a very obvious fact. That is, that the legislature had not adhered to its constitutional mandate, nor to its own legislative article which is the foundation program. If we accept the amendment that is being proposed, we're going back to that situation. Now, what we tried to do was to attempt to make it so that the legislature would have to -- maybe they'll avoid it again, I don't know. Now, as to the method of financing, we want to leave it flexible enough so that the gentlemen over in the Mitchell Building would be able to develop a scheme for financing. There's no way that we developed a specific way to finance it.

DELEGATE JACOBSEN: Thank you, Mr. Champoux.

Mr. President.

CHAIRMAN GRAYBILL: Mr. Jacobsen.

DELEGATE JACOBSEN: You know, we're putting more and more burden on this legislature everyday. Everything we do

STATE PUBLISHING CO. HELENA, MONT.

is legislative. Now, why don't we give the legislature an answer to the question we're talking about here in the funding of our schools? Why don't we consider a two percent sales tax, a general sales tax by the legislature, to fully fund the school foundation system and reduce property taxes accordingly? There's the answer. It takes the burden off of the legislature.

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Mr. President. May I take a shot at that last question of Mr. Jacobsen's?

CHAIRMAN GRAYBILL: Yes.

DELEGATE DAVIS: It's a thought that we discussed in our committee. If the legislature establishes a program, whether you call it a foundation program or any other program, that you establish a basic educational course in your primary and secondary level, it's going to take so much money. They say the local people will put in so much by whatever way they want, and the state will put in so much. Our full funding intends, hopefully, that the state says we've got this priority. We owe so much to these schools out of this two hundred million dollar budget. Education has got a commitment to that. Instead of when they get to the end of the road and they spend their two million, instead of taking it, deducting it from education and saying we're going to build a new building here or there, they're going to say we haven't

STATE PUBLISHING CO. HELENA, MONT.

got the money to do that because we've still got to fund the basic education program so that they've got that in their budget. So, when they run short at the end, they can't take it out of education. This is just basic for primary and elementary education. That's the way we discussed it and that was our hope, that it would move this up as a priority and say, we'll give education, when we get through at the end, what's left. We've got to fund whatever our commitment is and if something else doesn't get it, that's their tough luck because that's a lower priority.

CHAIRMAN GRAYBILL: Now, wait a minute until you get the floor.

Mr. Jacobsen.

DELEGATE JACOBSEN: Why not, Mr. Davis, a direction to the legislature to set a -- let's say up to -- a maximum of two percent sales tax for the benefit of the schools? If there's money left over, give the property owners some relief. The property owners are sick and tired of continually paying. They're failing to meet these things. The bond issues, etc., are failing all the time. We've got to pass it. We could do it right here. We have the power to do it and direct the legislature to put in a sales tax for school systems period.

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: We just defeated that. The people down in my county and the rest of the state two to one, so you

STATE PUBLISHING CO. HELENA, MONT.

might put that in the constitution but you might save the rest of the money for this convention to go home. People have spoken to that question very firmly. But, that's not really the point. The point is you shouldn't tie in a constitution, any method of financing. We've got to have a basic education program. How they might finance it or fund it this year or ten years from now or fifty, would be entirely different. But, it's got to be flexible so we can't tie in a method. That would be my sincere answer on it.

CHAIRMAN GRAYBILL: Mr. Habedank.

DELEGATE HABEDANK: Mr. President. Would Mr. Champoux yield to a question?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I yield.

DELEGATE HABEDANK: Mr. Champoux. In connection with this section, you have provided for a great deal of leeway on the part of the legislature toward full funding of education. I am wondering why you omitted before the last line on page twenty-three, following the words, full funding, the words of the state's share of the basic public elementary and secondary school system?

DELEGATE CHAMPOUX: Well, I just -- we just never thought of it. That never did come up in the committee if that's what you mean. Is that your point?

DELEGATE HABEDANK: Yes.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE CHAMPOUX: No, we didn't discuss that particular phrase, sir.

DELEGATE HABEDANK: May I ask Mr. Champoux another question?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I'll yield.

DELEGATE HABEDANK: Is it not a fact, Mr. Champoux, that when you're talking about full funding, you have allowed in this and anticipated the legislature might continue as they have in the past with the present foundation program? The problem that you're facing is the fact that the state, year after year, does not meet its share of the foundation program. As a result, the thing that Mr. Nutting spoke about, the local taxpayer being stuck for the difference, results in inequities.

DELEGATE CHAMPOUX: Absolutely, sir.

DELEGATE HABEDANK: Would you object, then, from the standpoint of clarifying it in the minds of everyone what full funding means, to an amendment adding, of the state's share, in here?

DELEGATE CHAMPOUX: I wouldn't object, sir, if the other members of the committee wouldn't.

CHAIRMAN GRAYBILL: Mr. Habedank, you're going to be out of order if you try to amend a section that we're deleting.

STATE PUBLISHING CO. HELENA, MONT.

Mr. Burkhardt.

DELEGATE BURKHARDT: Mr. Chairman. I'm concerned -- and I guess we've all been there at one time or another -- I'm concerned that when we reach the point of discussion that we sort of throw up our hands and say, oh, let somebody else think about it later and we just want to leave it there. I think what we've put in this particular section, this sentence that Mr. Artz has asked to delete, is a bit of direction. It is not the specifying of details of how it's going to be handled, but it's a bit of direction in terms of both the nature of the distribution. We already have income and interest coming in which has to be distributed and there has to be a bit of direction as to how that's going to be distributed. The old constitution stated it would be on a basis of a census, people between the ages of six and twenty-one, but we felt that was a bit tight in terms of interpretation as we looked ahead for years, and years, and years and that it didn't belong. We simply say, equitable distribution and taxation. Now, we have the several school districts in there so there's no question about where it's going in terms of the elementary and secondary system and it's not a great long legislative piece of statement really. What concerns me really is that if we don't get some direction, we do slip backward and we, as a committee, spent many hours wondering how do you nudge ourselves and our communities forward a bit

STATE PUBLISHING CO. HELENA, MONT.

in terms of their goals in education? This seemed to be one way to take advantage of what's going on in other parts of the country and to be aware of what we might do without forcing anybody to do anything. It seems to me that it's so much easier to kill a good idea than it is to nurture it. I'm afraid that just out of inertia and fatigue, we'll kill a good idea which is to look ahead, rather than to assume that we're cementing what has been a past pattern. We're trying to give a direction but leave it open for further growth. Thank you.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: I'd like to rise again just to speak in opposition to the motion to delete and to say that I would be very much in accord with the suggestion of Mr. Habedank. We could amend the article as he suggested in the event the deletion fails.

CHAIRMAN GRAYBILL: Mr. Habedank.

DELEGATE HABEDANK: Mr. President. I wish to resist this motion to delete this particular section. I can see the concern that the delegates have but if we would leave it in there, I think it can be amended to not only express an idea of direction but to express in positive terms the direction. At the expense of killing what I had in mind, or at the expense of having you kill it, I would like to explain to you what I conceived to be a very good idea to fund the state's

STATE PUBLISHING CO. HELENA, MONT.

share way back in 1952 when the constitutional amendment --

CHAIRMAN GRAYBILL: Now, Mr. Habedank -- the Chair is willing that you explain your idea. You have explained your idea. The Chair is not willing to debate it. We're going to debate the deletion. You've explained that if it is not deleted, you would amend by adding those words. Otherwise, I want you to stick to the subject if you can, please.

DELEGATE HABEDANK: I felt --

CHAIRMAN GRAYBILL: I can't see how some other plan that was adopted or talked about several years ago has any relevance to the deletion. If you can show me how it will, fine, but I do think that the Chair has some duty. I've let everybody go on. We've talked education all afternoon. We must move on this. I think if we don't know enough about it, then we'll have to think it through overnight, but I must insist now that you stay with the subject. If you can show me what you have is relevant, I'll be happy to let you talk.

DELEGATE HABEDANK: I couldn't show you what I have is relevant without making a statement.

CHAIRMAN GRAYBILL: You may make a statement, Mr. Habedank, but you started to describe another system of education.

DELEGATE HABEDANK: No.

CHAIRMAN GRAYBILL: Well, that's what you said. Go ahead. Explain it to me, Mr. Habedank.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE HABEDANK: Under this particular clause, if it's left in and if it's amended to refer to the state's share, if the body will look at what they have done in the Revenue and Finance measure, what will automatically be done is what has been stated here previously by Mr. Davis. By removing the two mill tax limitation, any shortage would then be funded.

CHAIRMAN GRAYBILL: Mr. McDonough, you may close.

DELEGATE McDONOUGH: I didn't make the motion, but if it's all right with Mr. Artz, I may close.

CHAIRMAN GRAYBILL: Mr. Artz says you may close. He doesn't want to close after you close.

DELEGATE McDONOUGH: I think really why the motion of Mr. Artz should be adopted is the discussion that has been had for the last hour, hour and a half. When you get into amending this section and this sentence, you think of a lot of things that should be in there or taken out. You'll think of some tomorrow and you'll think of some next year. That's why it should not be put in this constitution. It should be left, this first sentence of this section and the second sentence if you so desire, as to the libraries. What you're trying to do is develop a plan, or develop wording that means something. You'll think about it a half hour later and you think of something else you want in. Really, all you want in this section is for the state to provide for

STATE PUBLISHING CO. HELENA, MONT.

an adequate, good, high quality -- if the word high is still in there, I guess it isn't -- public school system. That's all you want and that's all that should be in the constitution. Thank you Mr. President.

CHAIRMAN GRAYBILL: For what purpose do you rise, Mr. Harrington?

DELEGATE HARRINGTON: To answer Mr. McDonough's statement on --

CHAIRMAN GRAYBILL: I'm sorry, we've closed. If you want a roll call, fine. We'll take a roll call vote. All in favor of Mr. Artz's motion to delete the last sentence of sub two, say Aye on the voting machines, opposed No. Has every delegate voted? Does any delegate wish to change his vote? Take the ballot.

Aasheim	- Aye	Belcher	- Aye
Anderson, J.	- Aye	Berg	- Aye
Anderson, O.	- Aye	Berthelson	- Aye
Arbanas	- Nay	Blaylock	- Nay
Arness	- Aye	Blend	- Nay
Aronow	- Aye	Bowman	- Aye
Artz	- Aye	Brazier	- Aye
Ask	- Abs	Brown	- Aye
Babcock	- Aye	Bugbee	- Aye
Barnard	- Nay	Burkhardt	- Nay
Bates	- Aye	Cain	- Abs

STATE PUBLISHING CO. HELENA, MONT.

1	Campbell	- Nay	Harlow	- Nay
2	Cate	- Abs	Harper	- Nay
3	Champoux	- Nay	Harrington	- Nay
4	Choate	- Aye	Heliker	- Nay
5	Conover	- Nay	Holland	- Abs
6	Cross	- Abs	Jacobsen	- Abs
7	Dahood	- Abs	James	- Nay
8	Davis	- Nay	Johnson	- Aye
9	Delaney	- Aye	Joyce	- Aye
10	Driscoll	- Nay	Kamhoot	- Aye
11	Drum	- Aye	Kelleher	- Nay
12	Eck	- Nay	Leuthold	- Aye
13	Erdmann	- Aye	Loendorf	- Aye
14	Eskildsen	- Aye	Lorello	- Nay
15	Etchart	- Aye	Mahoney	- Aye
16	Felt	- Nay	Mansfield	- Aye
17	Foster	- Aye	Martin	- Aye
18	Furlong	- Abs	McCarvel	- Aye
19	Garlington	- Nay	McDonough	- Aye
20	Graybill	- Aye	McKeon	- Abs
21	Gysler	- Aye	McNeil	- Aye
22	Habedank	- Nay	Melvin	- Aye
23	Hanson, R. S.	- Nay	Monroe	- Nay
24	Hanson, R.	- Nay	Murray	- Aye
25	Harbaugh	- Nay	Noble	- Nay

STATE PUBLISHING CO. HELENA, MONT.

Nutting	-	Aye	Skari	-	Aye
Payne	-	Nay	Sparks	-	Abs
Pemberton	-	Aye	Speer	-	Nay
Rebal	-	Abs	Studer	-	Aye
Reichert	-	Nay	Sullivan	-	Nay
Robinson	-	Nay	Swanberg	-	Aye
Roeder	-	Abs	Toole	-	Nay
Rollins	-	Nay	Van Buskirk	-	Nay
Romney	-	Aye	Vermillion	-	Nay
Rygg	-	Aye	Wagner	-	Aye
Scanlin	-	Aye	Ward	-	Aye
Schiltz	-	Nay	Warden	-	Aye
Siderius	-	Nay	Wilson	-	Aye
Simon	-	Aye	Woodmansey	-	Nay

CLERK SMITH: Mr. Chairman, fifty have voted Aye, thirty-eight have voted No.

CHAIRMAN GRAYBILL: Fifty having voted No, thirty-eight No, the last sentence of section one, subsection two, is deleted. Mr.Arness, you have an amendment up here that pertains to part of the section still remaining. Do you wish it read?

DELEGATE ARNESS: Please, Mr. Chairman.

CHAIRMAN GRAYBILL: Will the clerk please read it?

CLERK SMITH: (Reading) Mr. Chairman. I move to amend section one, subsection two, page three, line fourteen

STATE PUBLISHING CO. HELENA, MONT.

of the majority education proposal by deleting the words, elementary and secondary. Signed, Arness.

CHAIRMAN GRAYBILL: Mr. Arness proposes an amendment that takes out the words elementary and secondary so it says, quality, free public schools.

Mr. Arness.

DELEGATE ARNESS: Mr. Chairman. The purpose of this motion is simply to make the language in the section conform to the stated purpose of the committee in preparing this section. As I understand it, it's their position that education is in a state of flux and that the system as we presently know it, with a grade school, high school, college level may be changing and probably is changing. For that reason, we shouldn't freeze these forms of school that we have into the constitution at the present time. There's reference later on to a third level, a higher school, which obviously refers to the university system. I've discussed this with the chairman of the committee and it's my understanding that he agrees that this language should be removed so that the system can be as flexible as possible. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Is there any discussion? Very well. The issue is on Mr. Arness' motion to strike the words elementary and secondary on line fourteen of section one, sub two.

STATE PUBLISHING CO. HELENA, MONT.

Mr. Woodmansey, do you want to discuss it?

DELEGATE WOODMANSEY: Mr. Chairman. I don't have these amendments before me and this bothers me because now we're making a decision to strike a section that we, in the committee, worked on for a period of time. I just am concerned that maybe we here by doing this may throw the doors open wider to some sort of thing that we don't want to do, or may not want to do at a later point. I would refrain from removing the terms public elementary and secondary schools.

CHAIRMAN GRAYBILL: Mr. Woodmansey, the motion is in writing at the Chair. Generally, when you people know them ahead of time and that's why I urge you to get them in ahead of time. If they are important amendments, we have them printed and spread. That, of course, becomes difficult on Saturday when we have no printer. I do then read them. If you don't understand them, I'm perfectly happy to go slow enough so that you can write them down. This is not a very difficult one. If you'll take your book, Mr. Woodmansey, on page three --

DELEGATE WOODMANSEY: I can see it, but here in a minute I'm to make a decision regarding this. I resist it and I will vote against it. I don't foresee the impact and it looks to me that maybe under the foundation program, we're going to finance the colleges of Montana. I don't believe that this is what the people of Montana want. I think that

STATE PUBLISHING CO. HELENA, MONT.

they don't mind financing the public schools through the state foundation program, but I think there might be real resistance if this can happen by so removing these words here. Thank you.

CHAIRMAN GRAYBILL: Now, Mr. Woodmansey, you may argue the point. You did mis-state it and I want to clear up your mind on the matter. On line fourteen, the amendment takes out the words elementary and secondary and it leaves in the word public. So, it says that the legislature shall provide a basic system of quality, free public schools. Now, that's what it says now. We've added the word basic and taken out the word high. Now, we're talking about the words elementary and secondary. I don't mind it being debated, but if you don't understand the amendments, please ask and we'll make it clear. We can't print them all. You have too many, unfortunately.

Mr. Champoux.

DELEGATE CHAMPOUX: Sir, if I may, just to clear up a little point here. When Mr. Arness approached me and Mr. Aasheim, we were discussing it. If you look at the old article it talks about the free common public schools. In the old days, that meant up to the eighth grade. The question then became, why did we put in elementary and secondary? Well, this is what we're familiar with now. Mr. Arness' contention is, as I read it, what are we going to be calling them in

STATE PUBLISHING CO. HELENA, MONT.

the future? However, I felt -- or at least I thought that Mr. Arness was going to propose something else in terms of defining this. I think Mr. Woodmansey's worry is a cogent one. What are we talking about when we talk about the free public schools? Mr. Arness might know. I don't know.

CHAIRMAN GRAYBILL: Mrs. Cain.

DELEGATE CAIN: Might I ask Mr. Arness a question?

CHAIRMAN GRAYBILL: Mr. Arness, will you yield?

DELEGATE ARNESS: I yield.

DELEGATE CAIN: By this, do you mean to imply that all schools, elementary, secondary, kindergarten, junior colleges, vo-tech, universities, colleges, all free? The word free is also a modifier.

DELEGATE ARNESS: I'm not sure I understand your question.

CHAIRMAN GRAYBILL: Her question, Mr. Arness, is that if you take those words out, you're making kindergarten and university free. Is that what you mean?

DELEGATE ARNESS: No.

CHAIRMAN GRAYBILL: Then you better think about your amendment.

DELEGATE ARNESS: I think that the amendment does speak for itself.

CHAIRMAN GRAYBILL: Very well. Let's put it and see what happens. So many as shall be in favor of Mr. Arness'

STATE PUBLISHING CO. HELENA, MONT.

amendment to take the word elementary and secondary out of that first sentence so that it reads: The legislature shall provide for a basic system of quality, free, public schools. All those in favor of that amendment, please say Aye. A roll call is called for. All right. Vote Aye on the voting machines and those who say No, vote No. Has every delegate voted? Any delegate wish to change his vote? Have all the delegates voted? Take the ballot.

Aasheim	- Nay	Brazier	- Aye
Anderson, J.	- Nay	Brown	- Aye
Anderson, O.	- Aye	Bugbee	- Abs
Arbanas	- Nay	Burkhardt	- Nay
Arness	- Aye	Cain	- Nay
Aronow	- Nay	Campbell	- Nay
Artz	- Nay	Cate	- Aye
Ask	- Abs	Champoux	- Nay
Babcock	- Nay	Choate	- Nay
Barnard	- Nay	Conover	- Nay
Bates	- Nay	Cross	- Abs
Belcher	- Nay	Dahood	- Nay
Berg	- Nay	Davis	- Nay
Berthelson	- Nay	Delaney	- Nay
Blaylock	- Nay	Driscoll	- Abs
Blend	- Nay	Drum	- Nay
Bowman	- Nay	Eck	- Abs

STATE PUBLISHING CO. HELENA, MONT.

Erdmann	-	Nay	Loendorf	-	Nay
Eskildsen	-	Nay	Lorello	-	Nay
Etchart	-	Abs	Mahoney	-	Abs
Felt	-	Abs	Mansfield	-	Nay
Foster	-	Nay	Martin	-	Nay
Furlong	-	Abs	McCarvel	-	Nay
Garlington	-	Nay	McDonough	-	Nay
Graybill	-	Nay	McKeon	-	Abs
Gysler	-	Nay	McNeil	-	Nay
Habedank	-	Nay	Melvin	-	Nay
Hanson, R. S.	-	Nay	Monroe	-	Aye
Hanson, R.	-	Nay	Murray	-	Abs
Harbaugh	-	Nay	Noble	-	Nay
Harlow	-	Abs	Nutting	-	Nay
Harper	-	Aye	Payne	-	Nay
Harrington	-	Nay	Pemberton	-	Nay
Heliker	-	Aye	Rebal	-	Abs
Holland	-	Abs	Reichert	-	Nay
Jacobsen	-	Nay	Robinson	-	Aye
James	-	Abs	Roeder	-	Abs
Johnson	-	Nay	Rollins	-	Nay
Joyce	-	Nay	Romney	-	Nay
Kamhoot	-	Nay	Rygg	-	Nay
Kelleher	-	Abs	Scanlin	-	Nay
Leuthold	-	Nay	Schiltz	-	Nay

STATE
PUBLISHING CO.
HELENA, MONT.

Siderius	-	Nay	Toole	-	Nay
Simon	-	Nay	Van Buskirk	-	Nay
Skari	-	Nay	Vermillion	-	Nay
Sparks	-	Abs	Wagner	-	Nay
Speer	-	Nay	Ward	-	Nay
Studer	-	Nay	Warden	-	Nay
Sullivan	-	Nay	Wilson	-	Nay
Swanberg	-	Nay	Woodmansey	-	Nay

CHAIRMAN GRAYBILL: Mrs. Robinson, for what purpose do you rise?

DELEGATE ROBINSON: Mr. President. I'm sorry, I punched the wrong button.

CHAIRMAN GRAYBILL: Mrs. Robinson, that won't help us much unless you tell us which way you voted. She wishes to vote No, is that right? Very well. Mrs. Robinson wishes to be recorded as No. The vote is taken. What about you, Mr. James?

DELEGATE JAMES: I wish to vote No too.

CHAIRMAN GRAYBILL: Mr. James wishes to vote No. The vote is taken but the journal may so show -- or the transcript will so show. Will you please announce the vote?

CLERK SMITH: Mr. Chairman, seven delegates have voted Aye, seventy-five delegates have voted No.

CHAIRMAN GRAYBILL: Actually the vote is seventy-three to nine, Mr. Clerk. They may show on the roll but they

STATE PUBLISHING CO. HELENA, MONT.

may not change their votes. Very well. Seventy-three having voted No and nine having voted Aye, the motion is defeated. Now, the Chair would like to observe for the body here that you must be careful if you're going to play around with what the committee has done. I'm not saying that a lot of people haven't had excellent amendments this afternoon. The problem, Mr. Arness, was that you were about to make the universities free and I don't think the rest of us were willing. I think you must be careful. You're wasting a lot of time when you write these amendments at your desks and don't know what you are talking about. So, please be careful. Let's go on. Are there other amendments about section two -- subsection two? Very well.

Mr. Hanson.

DELEGATE ROBERT HANSON: May I ask Mr. Harbaugh a question please?

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE ROBERT HANSON: I've been waiting until after all these amendments were over. I've been listening and they've been talking about many studies. Did you and your committee come up with any figure as to how many mills might be needed statewide to fund the program?

DELEGATE HARBAUGH: Mr. Chairman. We didn't think that was within our province to go into those kind of details. We did not.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE ROBERT HANSON: Well, on the fifteenth of April, I know we're all going to be interested in some of these things.

CHAIRMAN GRAYBILL: Very well. Members of the body, you have before you on the recommendation of Mr. Harbaugh that when this committee does arise and report after having had under consideration section one, subsection two as amended, that it recommend the same be adopted. All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: It's adopted. Would the clerk read section two?

CLERK SMITH: (Reading) Section two, Public School Fund: The public school fund of the state shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted, to the state by the general government known as school lands; and those granted in lieu of such lands acquired by gift or grant from any person or corporation under any law or grant of the general government; and of all other grants of land or money made to the state from the general government for general educational purposes, or where no other special purpose is indicated in such grant; all estates, or distributive shares of estates that may

STATE PUBLISHING CO. HELENA, MONT.

escheat to the state; all unclaimed shares and dividends of any corporation incorporated under the laws of the state, and all other grants, gifts, devises or bequests made to the state for general educational purposes. Section two, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Woodmansey.

DELEGATE WOODMANSEY: Mr. Chairman. I move when this committee does arise and report after having had under consideration section two of the Education and Public Lands Proposal, that it recommend the same be adopted. Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Woodmansey.

DELEGATE WOODMANSEY: I would just like to make a few comments regarding this section. This section is just the same as the present section two of our present constitution. Just a few comments taken from our report on page fourteen: In securing assured sources of support for the educational system, the committee agreed that constitutional protection should be supplied to the public school fund. Section two in the existing constitution has provided this protection by itemizing the components of the fund and unequivocably specifying that these contributing funds should be used for education. The name public school fund which appears in this section is adopted as the name to be used consistently hereafter in the constitution. Thank you, Mr.

STATE PUBLISHING CO. HELENA, MONT.

Chairman.

CHAIRMAN GRAYBILL: Is there discussion of section two? If not, members of the body you have before you on the recommendation of Mr. Woodmansey, that when this body does arise and report after having had under consideration section two, that we recommend it be adopted. All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

(No response)

CHAIRMAN GRAYBILL: It's adopted. Section three, Mr. Clerk.

CLERK SMITH: (Reading) Section three, Public School Fund Inviolate: The public school fund shall forever remain inviolate, guaranteed by the state against loss of diversion, to be invested under the restrictions to be provided by law. Section three, Mr. Chairman.

CHAIRMAN GRAYBILL: Members of the body, Mr. Barnard will take section three and he does have an amendment. Mr. Barnard, do you want to explain your amendment or do you want the Chair to read it first?

DELEGATE BARNARD: The Chair can read the amendment.

CHAIRMAN GRAYBILL: Mr. Clerk, will you read Mr. Barnard's amendment?

CLERK SMITH: (Reading) Mr. Chairman. I move that section three be amended by striking the word of on line

STATE PUBLISHING CO. HELENA, MONT.

eight and inserting in lieu thereof, the word or, and by inserting a period after the word diversion in line eight and striking the rest of the sentence. Signed, Barnard.

DELEGATE BARNARD: Mr. President.

CHAIRMAN GRAYBILL: Just a minute, Mr. Barnard. Let's get this straight.

DELEGATE BARNARD: Okay.

CHAIRMAN GRAYBILL: Mr. Barnard's amendment has the effect of putting a period after the word diversion and striking the rest of the sentence. I don't see the of. It looks like or in my book. All right, on page four it's already or and on page thirteen, if it's of, change it to or. Very well.

Mr. Barnard.

DELEGATE BARNARD: Mr. President. I move that we disregard the question of of or or and leave that to Style and Drafting. I noticed that myself. It was different in two different places. I also move to insert a period after the word diversion and delete the rest of the sentence.

CHAIRMAN GRAYBILL: Very well.

DELEGATE BARNARD: The reason for this is just to make it comply with the provisions and limitations we put in in the Revenue and Finance report.

CHAIRMAN GRAYBILL: Very well. Mr. Barnard has explained that this is to make it comply with what we've done

STATE PUBLISHING CO. HELENA, MONT.

in the Revenue and Finance section. All in favor of allowing the committee to make that amendment in the printed book here, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

(No response)

CHAIRMAN GRAYBILL: Very well. Mr. Barnard, it's done. Go ahead.

DELEGATE BARNARD: Mr. President. I move that when this committee does arise to report after having had under consideration section three of the report of the Education and Public Lands Committee, that the same be passed as amended.

CHAIRMAN GRAYBILL: Very well. Is there discussion? Members of the body, you have before you for your consideration section three, as amended, upon the recommendation of Mr. Barnard that when this committee does arise and report after this consideration, that we recommend it be adopted. All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

(No response)

CHAIRMAN GRAYBILL: It's adopted. Will the clerk read section four?

CLERK SMITH: (Reading) Section four, Board of Land

STATE PUBLISHING CO. HELENA, MONT.

Commissioners: The governor, superintendent of public instruction, secretary of state and attorney general shall constitute the state board of land commissioners, which shall have the direction, control, leasing, exchange and sale of the school lands of the state, and the lands granted or which may hereafter be granted for the support and benefit of the various state educational institutions, under such regulations and restrictions as may be prescribed by law. Section four, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Conover.

DELEGATE CONOVER: Mr. Chairman. I move that when this committee does arise and report after having under consideration Article Eleven, section four, of the Education and Public Lands Proposal, that it recommend the same and be adopted. Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Conover.

DELEGATE CONOVER: This section practically remains the same as in the old constitution with the exception of one word. We had at first taken away from the board commissioners, but after long deliberation we contained the same as in it. This section remains almost unchanged from the original constitution. The board composed of four elective officials, the governor, superintendent of public instruction, attorney general and secretary of state serves an important function of supervising the management of the state's school lands and

STATE PUBLISHING CO. HELENA, MONT.

the income derived from these lands. The board, while operating under this constitutional provision, has worked in the past and would appear to be able to do the same for the foreseeable future. The only change deemed desirable at this time is the addition of the word exchange. We felt that to make this more workable and more flexible, that we inserted this word. The Enabling Act of 1889 which gave Montana certain sections of land for school support, was amended in 1932 to state: Any of said land may be exchanged for other lands, public or private, or equal value and as near as may be of equal area, etc. Our constitution has not been amended since this time. Since we are unable to provide for such exchanges as listed in the Enabling Act, we are now proposing that the constitution contain a provision consisting with the Enabling Act to provide for exchanges of land. Consolidate diverse holdings for better management. We hope to give the state the opportunity to exchange isolated tracts of land for equal holdings adjacent to or in the near proximity of other state lands so that the management of all state lands may be done with a limited effort and achieving the maximum benefit to the school fund. This is borne out when one can observe one tract of state land completely surrounded by private land. The problems of leasing, maintenance and excess in these areas would be solved by allowing for this isolated state land to be exchanged, and requests from

STATE
PUBLISHING CO.
HELENA, MONT.
3

officials for this provision. These came from the men who run into this type of problem often in trying to achieve the maximum amount of the benefit to the people of Montana. Mr. Ted Swinden, commissioner of state lands, Mr. Garrett Moon, state forester and the constitution revision commission recommended the deletion of the public lands article. Due to statutory nature, house joint resolution number thirty-two asked the convention for multiple use classification and the need for sound land management, principles which encompass the inclusion of the word exchange to reach this goal. In summary, the committee feels that this provision, written in general terms, yet providing for adequate safeguard, would allow for greater legislative flexibility in future dealings with the state lands to best meet the changing needs and interests of the people. This provision will enhance the benefits obtained from state land, whether it be for the school fund or from state lands or other prospective purposes that these lands were granted for. In conclusion, let me reinstate the need for this provision to bring constitution up to date and consistent with the present, amended Enabling Act of 1889, to consolidate diverse holdings for better management, requests from officials who operate under the existing cumbersome provision. For these reasons and other testimonies given to our committee, I support you for this change. This is the reason why that we would put this word in here. As

STATE
PUBLISHING CO.
HELENA, MONT.

you know, we have some state lands especially in the northeastern part of our state, which take from two to three days to maintain -- to go down there and reappraise this land. From all of our testimonies, it took probably two years in rental money, before they got enough for sending this man down here to maintain this. The only change is exchanged to the list of activities within the board's power. This is the reason why we did this. The need for this has become evident in cases where the state has been prevented from making advantageous exchanges of land, by the omission of this power from the present constitutional provision. The committee also considered revising the membership of the board and, particularly, reducing the number of members to three by the omission of the secretary of state, but decided that the four constitutionally named, elective officers were important so as to direct control and that an even numbered board requiring a majority of three for a decision would emphasize the principle of caution over that of expediency. Mr. Chairman, I hope you will support our majority vote.

CHAIRMAN GRAYBILL: Very well. Section four -- There's an amendment proposed by Mrs. Warden. Do you want it read from the Chair?

DELEGATE WARDEN: Yes, please.

CHAIRMAN GRAYBILL: Very well. Will the clerk read Mrs. Warden's amendment?

STATE PUBLISHING CO. HELENA, MONT.

CLERK SMITH: (Reading) Mr. Chairman. I move to amend section four, line eleven on page four of the Education and Public Lands Proposal, by deleting the words quote secretary of state end of quote. Signed, Warden.

CHAIRMAN GRAYBILL: Mrs. Warden wants to make an amendment leaving out the secretary of state off the land board in line eleven, section four.

Mrs. Warden.

DELEGATE WARDEN: Mr. President and fellow delegates. I hate to disagree with Mr. Conover and the Education board, but I've worked on a great number of boards in the years that I've done public service, and I have yet to find that an uneven number wasn't more practical than an even number. As a member of the Executive Committee, I felt that we should have a short ballot. This may come to pass at another time. I think the secretary of state as a record keeper has statutory duties and that in order to provide for some future time, if there is a shorter ballot at some time, that perhaps it would be good to eliminate it. I would strongly support a three man board.

CHAIRMAN GRAYBILL: Is there discussion?

Mr. Davis.

DELEGATE DAVIS: Mr. President and fellow delegates. I'm afraid I have to take the responsibility for the Education Committee leaving the statute exactly as it was before. My

STATE PUBLISHING CO. HELENA, MONT.

argument before the committee at that time was, why delete it? In this particular case, the only authority they have is exchange, sale or lease public land. We said that in this case, we don't want them selling any anyway so if they get hung up or deadlocked, that means they can't sell, so we decided to leave it in. If you want it out, it really doesn't make any difference. As far as we were concerned though, in this particular case, if they get deadlocked on selling something, let them stay deadlocked. That means they can't go ahead and sell it. We want to keep the lands in the state. We don't want to restrict them from selling them but we want it to be done with the greatest deal of caution. If they got deadlocked, we would be perfectly happy. We're not trying to make it an easy function in this particular area.

CHAIRMAN GRAYBILL: Mr. Arbanas.

DELEGATE ARBANAS: Mr. Chairman, fellow delegates. Delegate Davis says it doesn't make any difference anyway. I think when the Executive Committee talked to the commissioner of land and looked into the matter of the land board, there were many of us that had the doubt wnether it made any difference whether we had a board or not at all. I think that we ought to consider this very seriously. I must say, and I can only speak for myself, that we spent several hours talking to the people involved and we were very impressed with

STATE PUBLISHING CO. HELENA, MONT.

the fact that the real work is done by the commissioner of lands. This board met regularly once a month for about a half hour. That's what we were told by everybody. They pretty much rubber stamped what the commissioner had already decided. The regulations were there, you know, that the lands were inviolate so there weren't many decisions. This seems like a protection but I wonder if it really is. I can't help wondering if we ought not to talk about deleting. I'd rather hear some debate before I make that motion, but it seems to me that if we left it to the legislature to design that type of board that would give us the protection we need, and not tie up our four chief state officers in a half hour meeting once a month to rubber stamp the work anyway, we might be much wiser. I think we should seriously consider that.

CHAIRMAN GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: Mr. Chairman. I would certainly support the majority report in retaining the land board, but I wish to disagree with my colleague, Carl Davis. He and I discussed it somewhat briefly and I can appreciate that we should pay some respect, I suppose, for tradition and the past. But, it just does not seem to me to be good business or good draftsmanship to have a situation where you can have a tie vote. I would never draw a corporate document in that fashion. I would never put together a business enterprise or

STATE PUBLISHING CO. HELENA, MONT.

a business organization where you're going to have a tie vote and force the courts, of course, to break the tie. In this situation, I suppose if you had a tie, you would have no action at all. I support Delegate Margaret Warden's amendment. I think it's a sensible amendment and one that we should adopt.

CHAIRMAN GRAYBILL: Mr. Woodmansey.

DELEGATE WOODMANSEY: I would like to make a couple of comments. I favor the recommendation of the committee. First of all, we have to remember that the state lands commissioner is appointed by the governor. We have the governor on the board and I feel that when we reduce this to a three man board, we create a little bit more of the risk of having some of this land sold or done away with in some manner where the public schools of the state might be cheated. I don't believe in selling this land and I don't believe anyone else does unless it's not economically feasible to keep it. This land is a very valuable thing. There are many people in this state who would like to get their hands on this land. I don't think we should forget that. Just because we have four members on the board, I don't feel it's necessarily bad. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: Mr. Chairman. I support the position of the majority report. I think that we should have

STATE PUBLISHING CO. HELENA, MONT.

perhaps five on it if we have to have an uneven number, rather than four. They are elective officers. They possibly will be members of opposing political parties. They will all be watching each other and I'm in favor of having them watch one another. This land is very valuable as Delegate Woodmansey pointed out. I pointed out here on this floor a few days ago money that is coming to the state from one section of land down in Johnson-Pemberton land, of nine million dollars in the next eight or nine years. This isn't any chicken feed.

CHAIRMAN GRAYBILL: Mr. Wilson.

DELEGATE WILSON: Mr. President. I have here a recommendation of the Montana School Board Association. They recommend that section four be included without an amendment, and that includes that the governor, superintendent of public instruction, secretary of state and attorney general shall constitute the ex-officio members of the state land board. They urge the adoption of this.

CHAIRMAN GRAYBILL: Mr. Conover.

DELEGATE CONOVER: Mr. Chairman. Would I be out of order if I gave a few comments of the valuation of our land and the investments?

CHAIRMAN GRAYBILL: Can you tell me how it applies to whether or not we keep the secretary of state on the board?

DELEGATE CONOVER: The reason why, they would

STATE PUBLISHING CO. HELENA, MONT.

probably make up their mind if they figured they need three or whether they need four or five.

CHAIRMAN GRAYBILL: Well, go ahead and do so briefly, Mr. Conover.

DELEGATE CONOVER: Fellow delegates. As you know, our public lands constitute five point million acres or pretty near six percent of the total land area of the state of Montana. The present value of this land is appraised at one hundred fourteen million dollars plus. The interest in income alone from these state lands amounted to ten million, five hundred and thirty-one thousand dollars for the fiscal year of 1970. It should also be noted that ninety percent of the receipts belong to the public school fund. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Foster.

DELEGATE FOSTER: Mr. Chairman, fellow delegates. I support the amendment of Delegate Warden. I feel that the removal of the secretary of state is admirable. If we really want to have a large board for controlling this particular situation, we might turn it back to the legislature. I think that the board, as indicated, the three members would be desirable to four. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Very well. The question is on Mrs. Warden's motion to delete the secretary of state from the state land board.

STATE PUBLISHING CO. HELENA, MONT.

Mrs. Babcock.

DELEGATE BABCOCK: I would just like to point out that occasionally a governor might be out of state and if you eliminate the secretary of state, you'd still have only two people acting on the land board.

CHAIRMAN GRAYBILL: Mr. Gysler.

DELEGATE GYSLER: Mr. Chairman. Our committee also was involved in considerable study on the public lands situation. I certainly will not support any amendment to decrease the number on that board.

CHAIRMAN GRAYBILL: Mrs. Warden, do you want to close?

DELEGATE WARDEN: I just want to --

CHAIRMAN GRAYBILL: Mr. Woodmansey, do you want to speak?

DELEGATE WOODMANSEY: I would just like to make one further comment. I'm sure many of you are aware, a short time ago, when you had a two to two tie on the board. It regarded some state land in the Lincoln area. I think it was fortunate that we had a four member board at that time. Thank you.

CHAIRMAN GRAYBILL: Mrs. Warden, do you want to close?

DELEGATE WARDEN: I'll just close. I think all the arguments have been said.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Very well. The issue is on Mrs. Warden's motion which would eliminate the secretary of state from line eleven in section four. A roll call vote. So many as shall be in favor vote Aye. So many as shall be opposed, vote No. Has every delegate voted? Any delegate want to change his vote. Please take the vote.

Aasheim	- Nay	Bugbee	- Aye
Anderson, J.	- Nay	Burkhardt	- Nay
Anderson, O.	- Abs	Cain	- Nay
Arbanas	- Aye	Campbell	- Aye
Arness	- Abs	Cate	- Nay
Aronow	- Nay	Champoux	- Nay
Artz	- Nay	Choate	- Nay
Ask	- Abs	Conover	- Nay
Babcock	- Nay	Cross	- Abs
Barnard	- Nay	Dahood	- Aye
Bates	- Aye	Davis	- Nay
Belcher	- Abs	Delaney	- Nay
Berg	- Aye	Driscoll	- Nay
Berthelson	- Nay	Drum	- Aye
Blaylock	- Aye	Eck	- Nay
Blend	- Aye	Erdmann	- Nay
Bowman	- Nay	Eskildsen	- Nay
Brazier	- Nay	Etchart	- Nay
Brown	- Aye	Felt	- Abs

STATE PUBLISHING CO. HELENA, MONT.

Foster	-	Aye	Martin	-	Abs
Furlong	-	Abs	McCarvel	-	Nay
Garlington	-	Aye	McDonough	-	Nay
Graybill	-	Aye	McKeon	-	Nay
Gysler	-	Nay	McNeil	-	Nay
Habedank	-	Abs	Melvin	-	Nay
Hanson, R. S.	-	Nay	Monroe	-	Aye
Hanson, R.	-	Nay	Murray	-	Abs
Harbaugh	-	Nay	Noble	-	Nay
Harlow	-	Nay	Nutting	-	Nay
Harper	-	Nay	Payne	-	Aye
Harrington	-	Nay	Pemberton	-	Nay
Heliker	-	Aye	Rebal	-	Abs
Holland	-	Abs	Reichert	-	Aye
Jacobsen	-	Nay	Robinson	-	Aye
James	-	Nay	Roeder	-	Abs
Johnson	-	Nay	Rollins	-	Nay
Joyce	-	Nay	Romney	-	Nay
Kamhoot	-	Nay	Rygg	-	Nay
Kelleher	-	Nay	Scanlin	-	Aye
Leuthold	-	Nay	Schiltz	-	Abs
Loendorf	-	Aye	Siderius	-	Nay
Lorello	-	Nay	Simon	-	Aye
Mahoney	-	Nay	Skari	-	Nay
Mansfield	-	Nay	Sparks	-	Abs

STATE PUBLISHING CO. HELENA, MONT.

Speer	-	Aye	Vermillion	-	Aye
Studer	-	Nay	Wagner	-	Nay
Sullivan	-	Nay	Ward	-	Abs
Swanberg	-	Aye	Warden	-	Aye
Toole	-	Nay	Wilson	-	Nay
Van Buskirk	-	Nay	Woodmansey	-	Nay

CLERK SMITH: Mr. Chairman, twenty-five Delegates have voted Aye; fifty-nine have voted No.

CHAIRMAN GRAYBILL: Very well. Fifty-nine having voted No and twenty-five Aye, the motion is defeated. Mr. Cate, you have an amendment before the Chair. Would you like it read?

DELEGATE CATE: Please.

CHAIRMAN GRAYBILL: It's very short. I'll read it, Mr. Clerk. Mr. Cate moves to take the words, and sale, out of section four on line fourteen. The effect would be to take away from the land board the power of selling land, but they may still control, lease and exchange land.

Mr. Cate.

DELEGATE CATE: Mr. Chairman, fellow delegates. When the federal government gave the state of Montana the state school lands, it was one of the greatest things that ever happened to our state. The intention of the federal government in giving us those school lands was to allow the state to sell those lands to homesteaders and others for the

STATE PUBLISHING CO. HELENA, MONT.

purpose of financing the public school system within the state, free public school system. Fortunately, for the people of Montana, those lands were not sold in the manner that was intended by the federal government when they were granted to the state of Montana. They have now become the greatest single asset that we have in the state of Montana. Now, presently, any citizen of the state of Montana can petition the land board for the sale of state land. Then, public notice of the sale is published in the newspaper. The land is appraised by the state land board and if that individual meets the required appraised bid, the land can be bought by private individuals. What concerns me here is this. I know of several situations where out of state corporations have purchased our state lands. The manner in which they do it is this. They have someone who lives in Montana petition for the sale of state land and go in and pay the bid price. Then, after he has purhcased the land, that individual transfers the land to this out of state corporation. It concerns me that some wealthy individual, or some out of state corporation, could at sometime in the future, move into the state of Montana and accomplish the purchase of a substantial portion of our valuable state lands which would then be gone from the school fund forever. I think this amendment would take away from the state board of land commissioners the right to sell the land, but I see no great restriction being

STATE PUBLISHING CO. HELENA, MONT.

caused by the removal of that. They still have the right to exchange land. So, if a particular section of land was needed for some other purpose, and someone wanted to obtain it from the state, they could arrange for an exchange with the state, but the trust fund itself would remain in tact for all time to come. I recognize that at the present time, the average sale of state lands is only about four hundred acres a year. That has been the average over the last five years, about four hundred acres a year have been sold. As the demand comes for more and more recreational lands in Montana, as we become more populated, the demand for these state lands and the petitions of citizens to purchase them are going to become greater. I think we ought to afford this protection to this trust fund, which has turned out to be the greatest asset that our schools have. Thank you.

CHAIRMAN GRAYBILL: Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. President. Would Mr. Cate yield to a question?

CHAIRMAN GRAYBILL: Mr. Cate, will you yield?

DELEGATE CATE: I certainly would.

DELEGATE BLAYLOCK: Jerry, did you talk to Ted Swinden about this?

DELEGATE CATE: No, I did not.

DELEGATE BLAYLOCK: Thank you, Jerry. I'd like to speak to it briefly. I'm as concerned as Mr. Cate and I

STATE PUBLISHING CO. HELENA, MONT.

appreciate his feeling on this, that we want to preserve our state lands. I have gone down and talked to Mr. Swinden at times and I consider him one of the outstanding land commissioners we've ever had in the state of Montana. There are times that arise when it is advantageous to the state of Montana and to our management of the trust lands, to sell some of them. The last thing we want is to have them all sold off, but sometimes it is profitable to the state of Montana to sell them. I think this would be too restrictive if we were to strike those words. I would oppose the amendment to strike.

CHAIRMAN GRAYBILL: Mr. Johnson, you're next.

DELEGATE JOHNSON: Mr. Chairman. Will Mr. Cate yield to a question?

CHAIRMAN GRAYBILL: Mr. Cate.

DELEGATE CATE: I'd be glad to.

DELEGATE JOHNSON: Jerry, I only have one small piece of school land on our ranch. If it were sold, it would bring probably fifty dollars an acre. Now, if that money was put into this trust that is inviolate, couldn't it be invested so it would bring more than a dollar an acre, the approximate lease that most of the school lands bring at this time? Wouldn't it bring five percent or better?

DELEGATE CATE: Well, I don't know what you're paying for your school land right now, but if that's the case,

STATE PUBLISHING CO. HELENA, MONT.

perhaps the lands aren't being properly managed. My concern would be to protect -- Money, you know Torrey, in an inflationary society, is not a very stable thing. But, in any society, land has traditionally been the standard of value. A piece of land today, even though it might be leased out for less than it's worth, is a stable commodity. If it could be sold for fifty dollars an acre today, ten years from now fifty dollars an acre might be worth fifty cents. But, the land is going to have its inherent value for as long as there's a demand for land and there's going to be a demand for land as long as there are people. At the present time, I would agree with you that that would be the effect. The money invested would bring more money back but, on the other hand, if we have inflation, that money isn't going to mean anything compared to what the land would mean in that event. I think the land is better security.

DELEGATE JOHNSON: Okay, thank you.

CHAIRMAN GRAYBILL: Mr. Johnson.

DELEGATE JOHNSON: Mr. Chairman. I wasn't trying to get the state to sell this particular land because, under the circumstances, it's much cheaper for the person that's using the land to lease it than it is to buy it and pay taxes on it. This is the way it has been. I wasn't trying to take any money away from the state. I was trying to point out that in a lot of cases, they would probably make more

STATE PUBLISHING CO. HELENA, MONT.

money if they had this money invested, maybe drawing a better rate of interest, etc. But, as Mr. Cate pointed out and thanks to him, I see what he means by holding on to it for another ten or fifteen years and it could easily be worth quite a little bit more. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Skari has been up.

DELEGATE SKARI: Mr. President and fellow delegates. I appreciate Mr. Cate's intentions there but I think perhaps it's just a little bit too restrictive. I think we have insured that this land cannot be disposed of without very good reason by requiring a three-fourths vote on that. At times it may be profitable to sell as Mr. Johnson pointed out. Some of these lands are small parcels and they're isolated and, at times, they bring very high prices. I know in my area, they do, but they're very seldom sold now. Also, landlords sometimes don't return the rental they should on these lands for one reason or another. Sometimes, for this reason, it is better that the state dispose of them. There might be a few risks here, but I think we should allow the state land board a little discretion.

CHAIRMAN GRAYBILL: Mrs. Blend.

DELEGATE BLEND: Mr. Chairman. Would Mr. Cate yield to two points of information, please?

CHAIRMAN GRAYBILL: Mr. Cate.

DELEGATE CATE: I certainly will try to, Mrs. Blend.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE BLEND: Jerry, the money obtained from sales does go into the foundation plan, right?

DELEGATE CATE: Yes, as I understand it, it does.

DELEGATE BLEND: And a share of the mineral rights are retained, right?

DELEGATE CATE: I'm not sure about that. I think they have the discretion to retain them. All of them are --

DELEGATE BLEND: Thank you.

CHAIRMAN GRAYBILL: I'd like those in the chamber to be quiet who are not talking and I'd appreciate it if the group at the back would either go outside or sit down. I can't see who's up. Thank you.

Mr. Drum.

DELEGATE DRUM: Thank you, Mr. Chairman. I would like to oppose Mr. Cate's amendment for this reason. It is impractical for a state land commissioner to operate at full efficiency unless he has the ability, at certain times, to sell certain portions of the state owned land. He would have to be able to do it in order to accumulate blocks of land. Exchanges, at some times, will be impractical. I commend the committee for allowing the state land commissioner to operate more effectively. At the present time, Mr. Cate, it so happens that over a period of fifteen years, I have leased a piece of state land along the Yellowstone River. It's about three-quarters of a mile of Yellowstone River land.

STATE PUBLISHING CO. HELENA, MONT.

It's a very nice piece of land. It costs me five dollars and fourteen cents, I think, a year to lease it. My conscience bothers me every time I pay that bill. While I've been here in this delegation at the Constitutional Convention, I was contacted by the state land commission. Would it be all right with me if they could sell that to the city of Billings for a park facility? I said I'd be tickled to death to do that. As you know, the city of Billings is accumulating land in that area and it, in the future, will become a very, very nice park area. Now, if your amendment is passed, it will take away the ability of the state to accumulate land, probably sell it to cities or to counties or to park systems or that type of thing. I would suggest that we leave the latitude that is recommended by this section in the hands of the commission and depend upon the legislature, which presently limits the state land commission. They are very restrictive in the statutes as to how this can be handled, and I feel we should give them this latitude and support the committee report. Thank you.

CHAIRMAN GRAYBILL: Very well. Mr. Cate, would you like to close? Mr. Davis, do you really want to talk?

DELEGATE DAVIS: Yes, I think I should, as chairman of the sub-committee on State Lands in this convention and for the Education and Public Lands, much as I hate to. We considered Jerry's position very seriously because we're

STATE
PUBLISHING CO.
HELENA, MONT.

opposed to sales. We talked about making that prohibition. I woke up in the middle of the night and remembered that I had worked twenty years on the Clark Canyon Dam in Beaverhead County. They formed an irrigation district and they had many acres of state land. If the state hadn't been able to sell that, we couldn't have had the project which was a great project for the state of Montana to preserve its water. So, it is too restrictive if we limit it that way. We all feel the same as Jerry does on it. They've been a great guardian of this trust. I mean, their record is such that I think you can feel confident they will not sell any lands unwisely. Therefore, I would oppose the amendment.

CHAIRMAN GRAYBILL: Mr. Wilson.

DELEGATE WILSON: Mr. President. I'd like to speak in opposition to Mr. Cate's amendment. I would like to also correct some statements that have been made here. We have a couple small parcels of school land on our operation, and we certainly pay more per acre for those lands than the taxes would be on them. I would also say that I wonder how Mr. Drum got by as well as he did. I think this is one of the reasons why we have a land board. They try to correct these situations and they do have to have the flexibility to be able to trade land or sell land in such a manner that it would be beneficial to the educational system in Montana. I think that if we put this restriction on them, we would certainly

STATE PUBLISHING CO. HELENA, MONT.

be putting a restriction on the future of the educational program in the state of Montana. Thank you.

CHAIRMAN GRAYBILL: Now, Mr. Cate, would you like to close?

DELEGATE CATE: Mr. Chairman. Would Mr. Davis yield to a question?

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Mr. Cate.

DELEGATE CATE: Would your committee have any objection to adding after the words, and sale, adding the words, in its discretion, which would give the land board the right to refuse to sell?

DELEGATE DAVIS: In answer to that --

DELEGATE CATE: So there's a specific provision to that effect.

DELEGATE DAVIS: We have a lot of statutory law and policy on this.

DELEGATE CATE: Right, I --

DELEGATE DAVIS: It is in their discretion now and they exercise their discretion wisely, I think.

DELEGATE CATE: That's a judicable issue which is, in fact, presently pending down here in the local district court whether or not they have discretion. It's a serious question whether or not they have discretion. If we put those words in there, then we'd be sure that they had the

STATE PUBLISHING CO. HELENA, MONT.

right to refuse to sell.

DELEGATE DAVIS: I couldn't speak for the members of the committee, but I personally would object to making any change in the report as it now stands.

DELEGATE CATE: Mr. Chairman, fellow delegates. I would have to disagree with Mr. Drum that the city of Billings would be prevented from selling this land to him, or providing this land for a park because all the city of Billings would have to do is to go out and buy some land to exchange with the land board for that land. The same situation applies in all these other cases. For the rural people who are concerned about leasing school lands, it looks to me that they would be getting a bargain forever here by eliminating this right to sell because they'd never be forced to buy it. Thank you.

CHAIRMAN GRAYBILL: The question is on Mr. Cate's motion to strike the words, and sale, on line fourteen of section four taking away from the board of land commissioners the right to sell land but leaving the right to control, lease and exchange lands. Mr. Foster wants a roll call. So many as shall be in favor of that motion, vote Aye and so many as shall be opposed, vote No. Has every delegate voted? Any delegate wish to change his vote? Please take the vote.

Aasheim	- Nay	Anderson, O.	- Abs
Anderson, J.	- Nay	Arbanas	- Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Arness	- Abs	Davis	- Nay
2	Aronow	- Nay	Delaney	- Nay
3	Artz	- Nay	Driscoll	- Nay
4	Ask	- Abs	Drum	- Nay
5	Babcock	- Nay	Eck	- Aye
6	Barnard	- Nay	Erdmann	- Nay
7	Bates	- Nay	Eskildsen	- Nay
8	Belcher	- Abs	Etchart	- Nay
9	Berg	- Nay	Felt	- Nay
10	Berthelson	- Nay	Foster	- Aye
11	Blaylock	- Nay	Furlong	- Abs
12	Blend	- Nay	Garlington	- Nay
13	Bowman	- Nay	Graybill	- Nay
14	Brazier	- Nay	Gysler	- Nay
15	Brown	- Nay	Habedank	- Abs
16	Bugbee	- Abs	Hanson, R. S.	- Nay
17	Burkhardt	- Nay	Hanson, R.	- Nay
18	Cain	- Nay	Harbaugh	- Nay
19	Campbell	- Nay	Harlow	- Aye
20	Cate	- Aye	Harper	- Aye
21	Champoux	- Nay	Harrington	- Nay
22	Choate	- Nay	Heliker	- Aye
23	Conover	- Nay	Holland	- Abs
24	Cross	- Abs	Jacobsen	- Nay
25	Dahood	- Nay	James	- Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Johnson	-	Nay	Robinson	-	Nay
Joyce	-	Nay	Roeder	-	Abs
Kamhoot	-	Nay	Rollins	-	Nay
Kelleher	-	Nay	Romney	-	Nay
Leuthold	-	Nay	Rygg	-	Nay
Loendorf	-	Nay	Scanlin	-	Nay
Lorello	-	Nay	Schiltz	-	Nay
Mahoney	-	Nay	Siderius	-	Nay
Mansfield	-	Nay	Simon	-	Nay
Martin	-	Nay	Skari	-	Nay
McCarvel	-	Nay	Sparks	-	Abs
McDonough	-	Nay	Speer	-	Nay
McKeon	-	Nay	Studer	-	Nay
McNeil	-	Aye	Sullivan	-	Nay
Melvin	-	Nay	Swanberg	-	Nay
Monroe	-	Aye	Toole	-	Nay
Murray	-	Nay	Van Buskirk	-	Nay
Noble	-	Nay	Vermillion	-	Nay
Nutting	-	Abs	Wagner	-	Nay
Payne	-	Nay	Ward	-	Nay
Pemberton	-	Nay	Warden	-	Nay
Rebal	-	Abs	Wilson	-	Nay
Reichert	-	Nay	Woodmansey	-	Nay

CLERK SMITH: Mr. Chairman, ten have voted Aye, seventy-seven have voted No.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Seventy-seven having voted No, and only ten having voted Aye, the motion fails. Mr. Studer, you have a motion before the Chair. Do you want it read?

DELEGATE STUDER: Yes.

CHAIRMAN GRAYBILL: Very well.

Mr. Studer.

DELEGATE STUDER: Mr. President.

CHAIRMAN GRAYBILL: Mr. Studer.

DELEGATE STUDER: I didn't write it just right. I was in kind of a hurry. I really should have omitted the word and in front of attorney general and put it behind it, in front of state auditor.

CHAIRMAN GRAYBILL: Mr. Studer has an amendment which proposes to add the words, state auditor to the list of people on the board of land commissioners. If you add it after superintendent of public instruction comma, you don't need to move the and, Mr. Studer. So, his proposal is to add the words, state auditor, after superintendent of public instruction.

Mr. STuder.

DELEGATE STUDER: Mr. President. The only reason I done this was because I don't really like to see four people decide on anything and go into a hassle over it and leave it up in the air for a great length of time. I don't see where adding another man wouldn't cure that problem and,

STATE PUBLISHING CO. HELENA, MONT.

with that, that's all I've got to say.

CHAIRMAN GRAYBILL: Is there any discussion?

Mr. Dahood.

DELEGATE DAHOOD: Mr. Chairman. This guarantees the protection that some of the delegates were talking about. Not even the supreme court would have an even number of people deciding the matters in controversy that are absolutely important to the liberty of the individual citizen. It certainly is not good business. It's not good construction for any type of organization or board to have an even number on it. Delegate Studer's amendment is going to cure that particular vice. It's going to give greater protection to school lands. It's going to be more business-like and it's going to be more sensible. I suggest that the amendment should be adopted.

CHAIRMAN GRAYBILL: Is there further discussion? Very well, the issue is on --

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. Chairman. We could do the same thing by just merely putting forth in our record that we would suggest that the land board from now on only have the chairman vote in the case of a tie. Now, if you have a four member board, you would never have a tie because there would be two for it and one against it. If you had one member absent, you'd have two members and he'd break the tie if

STATE PUBLISHING CO. HELENA, MONT.

they were opposite each other. So, there really is no object in having a five member board if you went along with that idea. It's very simple.

CHAIRMAN GRAYBILL: Is there further discussion? Very well. The issue is on Mr. Studer's motion to add the state auditor to the board of land commissioners on line eleven after superintendent of public instruction. So many as shall be in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Chair is in doubt. So many as shall be in favor, vote Aye and opposed, vote No. Has every delegate voted? Does any delegate wish to change his vote? Take the vote please. It isn't a roll call so nevermind. Forty-eight having voted Aye and forty having voted No, the motion prevails. Members of the committee, are there -- is there further discussion of subsection four, the board of land commissioners?

Mr. Swanberg.

DELEGATE SWANBERG: Mr. President. I've been trying to do a little fast arithmetic here while we're discussing this question. It seems to me that we're overlooking a real bonanza and I think we're treating it in a rather cavalier fashion. The statement was indicated here that we had ten

STATE PUBLISHING CO. HELENA, MONT.

million, five hundred thirty-one thousand acres of land and our annual income is around five million dollars per year. That comes to two bucks an acre. I don't know of much land around my part of the country that you can buy for much less than forty dollars at the present time. Just last fall, I sold a one hundred sixty acre tract about thirty miles north of town that was practically all gumbo and I got forty bucks an acre for it. A couple of years ago, I sold a one hundred sixty acre tract in the Bear Paw Mountains. It was on top of a mountain. I sold it to the Henderson ranch and I got fifty dollars an acre for that. This is land for people out of the state. I would submit that forty dollars an acre is probably the rock bottom price for land in Montana at the present time and that much of this school land is probably worth a hundred fifty to two hundred dollars an acre. Let's take just the forty dollar per acre figure. If we sold all of the land -- mind you, I'm not advocating this. I, too, want to hang on to the land, but I want to see it managed. If we took ten and a half million acres of land and sold it for forty dollars an acre, that would produce four hundred and twenty million dollars. If that were invested at five percent, which is a conservative figure at this time, that would produce an income of twenty-one million dollars per year against the five million that we're getting. Now, I used a basic, minimum figure of forty dollars per acre. I submit

STATE PUBLISHING CO. HELENA, MONT.

that if the land were more realistically valued, it would probably be sold for closer to a billion dollars or twice what it is now and even that is conservative, which would produce an income of roughly fifty million dollars per year to the state of Montana. Against this, we're getting five. Now, there's something wrong. I don't know where it is and I'm simply throwing this out to inquire of the committee if they took this matter up or if the Finance Committee took this matter up. This is a chunk of dough worth going after. I think we could easily get twenty-one million dollars a year out of this instead of the measly five. Now, they might say that, well, we don't want to hire all those people to go out and check these crops, or we don't want to hire all those people to go out and check land leases, or we don't want to hire these people to go out and check the return per barrel on oil land. But, the truth of the matter is, there's an awful lot of money here that I don't think the state of Montana is getting. I suppose this question comes up in the legislature year after dreary year. We're a Constitutional Convention and we're sitting here setting up a commission that is entirely political. Every single one of those is an elected official and under their direction, they hire a man. Does that sound like a good deal to you when it looks like we're dealing with about twenty-one dollars per year at a basic minimum? Don't you think that we should think a little more

STATE PUBLISHING CO. HELENA, MONT.

clearly about this and perhaps give some thought to taking this matter out of politics entirely, if we can? If we can. One thought that I have just offhand is putting this in the public service commission. There is an organization that's not nearly as politically oriented as the governor and the auditor and all the rest. Perhaps they could hire a group of people to go out and investigate these things and increase the return substantially. That's just one idea, but it does seem to me that the commission that we set up here in the constitution is politically oriented and that's probably one of the reasons why we're not getting the income we should be. I'm wondering if we shouldn't leave the whole thing out of the commission -- out of the constitution rather -- and leave it up to the legislature and let them see if they couldn't organize as nonpolitical a body as they could come up with to manage these lands.

DELEGATE HARBAUGH: I don't know where Mr. Swanberg got his figures but they aren't anywhere nearly close to being correct. He says we have ten and a half million acres. Somewhere there's about six million acres that, apparently, the Education and Public Lands Committee overlooked because we have less than five million acres of school land. I think this simply shows that when we react to things off the cuff how wide of the mark sometimes we come.

CHAIRMAN GRAYBILL; Is there further discussion?

STATE PUBLISHING CO. HELENA, MONT.

Mr. Drum. Well, let's see, Mr. Conover was up. I'll come back to you.

Mr. Conover.

DELEGATE CONOVER: Mr. Chairman. I hate to do this to my fellow delegate in our Education Committee, but I'm going to have to correct both of you. The public land constitutes five million point eight acres that we have in the state school lands. The income from those lands in 1970 was ten million, five hundred thirty-one thousand dollars and one cent. That makes the average paid value on this land of about twenty dollars an acre. You want to remember that a lot of the state land today is basically up around the Fort Peck Dam. If you were to put a cow on it, you'd have to give her a lunch bucket to go across it and come back because she would starve to death. I would like to see anybody here that would even buy a piece of that land. If you even put a price on it of five cents an acre or a penny an acre, there isn't a soul in here that would buy it. Now these are the actual -- State lands are appraised at one hundred fourteen million dollars plus. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Now, Mr. Drum.

DELEGATE DRUM: Very quickly, Mr. Chairman, I would like to even correct Mr. Conover. In the state land department of investments in 1970, the acreage was a net acreage of five million, two hundred eighty-seven thousand of which

STATE PUBLISHING CO. HELENA, MONT.

grazing lands are four million, one hundred forty-one thousand two hundred twenty-three point seventy-two agricultural lands, in other words wheat lands is about five hundred thousand acres. Now, my comment to Mr. Cate is that by injecting this change, it is going to allow the state board of land commissioners to be much more effective in their management of these lands. It may break your heart to know that right now the average income on an acre of range land to the state of Montana is now between eighteen and nineteen cents per acre. If that were on the tax rolls, it would be bringing in something in excess of twenty cents per acre, somewhere in the neighborhood of twenty-three, twenty-four cents on the average throughout the state of Montana. So, actually right now, if all of this land were given to the fellow who is leasing it and let him pay taxes on it, somewhere there would be more money coming in from it. The problem is, if you will look at the map in Mr. Swinden's office, is each one of these sections that is owned by the school trust (section 16 and 36) and it is absolutely impossible to manage land that is located in that way. The ranchers who have it now are not going to fence it. They are not going to allow someone to come in and use it if they don't wish them to because they are not going to give them the right of way to do it. So, the ranchers are going to be able to use this land from now on, and maybe they should if it fits into their ranch. What I'm saying is that in order

STATE PUBLISHING CO. HELENA, MONT.

for the state to come up with a fair and equitable return on this land, they are going to have to have the ability to trade it around, perhaps with the rancher, perhaps trade it for more recreational land. A trade may be in order or a sale may be in order as the one I described down in Yellowstone County because Yellowstone County is certainly not going to go out and buy another piece of land to trade for this land. I don't think that is going to be agreeable with the state. So, the wording of the present section is going to allow, I believe, the board of land commissioners to be more effective and we hope that in the future they will be able to bring this income up because that is truly the purest form of tax relief. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mrs. Bates, you were next.

DELEGATE BATES: Mr. Chairman, fellow delegates. I doubt that many of you really understand the problem of state land leasing. For many years, we have leased state land. This land was in the ownership of our family. During the depression, this land was lost for taxes. We cannot buy it back. The state demands the interest on the money to be valued at what their income is now. This means that this land would now be sold at a much higher going rate than is valuable, tillable land. Also, we must meet matching bids if we are to retain this land for farming. I would like to find some of this cheap rent based land that some of you are talking about because we

STATE PUBLISHING CO. HELENA, MONT.

find we are paying, on our state land, much higher rent than we are receiving from the private land -- the place that we rent -- lease. We must maintain, on the land that we lease, the buildings, the upkeep, the fences, and all the other things that are necessary to maintain a ranch while, at the same time, the little farm that we lease out, we as the owners must keep up this property. I think this land must be maintained for our schools and for our children. We must try to protect it but don't think that the farmers are getting a deal because they're really not.

CHAIRMAN GRAYBILL: The Chair has no motions before it except just section four. Now, we can continue to discuss this, but when you're finished, we'll go to dinner.

Mr. Siderius.

DELEGATE SIDERIUS: Mr. President. I think one of our biggest mistakes here is that we're not getting enough for our grazing lands. Now, the state charges eighty-six cents a month per animal unit which consists of a cow and a calf. They charge from eighty-six cents down to sixty-six cents. When one private party leases to another, they get as high as four dollars a month per animal unit. That makes quite a difference in the grazing rentals. I think that's where our biggest mistake is -- that is, the state's biggest mistake is -- and I would sure like to see that brought up to where it should be.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Mr. President. We're going to have a Public Land Article that we're going to discuss subsequently. There is quite a little material that I know you'll want to know on what they're trying to do. I wonder if we could defer that until we get to the public land if it's possible. I certainly think that everyone should have their say but there is quite a bit that they are trying to do statutorily and I don't think we should get into that this evening.

CHAIRMAN GRAYBILL: Mr. Conover.

DELEGATE CONOVER: Mr. Chairman, may I close?

CHAIRMAN GRAYBILL: You may close.

DELEGATE CONOVER: I have great respect for Jerry's motion that he wanted to make because we thought of it, but it wouldn't be workable; it just couldn't be there. So, I want to say very briefly that the section that we have here is practically the same as the old constitution with only one word, exchange, and I hope it will be of benefit for the future.

CHAIRMAN GRAYBILL: Very well. Now, Mr. Conover, we took care of that one but we do need you to close on your article. I think that all we have to say is members of the body, you have before you for your consideration section four on the recommendation of Mr. Conover, that when this body arises and reports that it recommend the same be adopted as

STATE PUBLISHING CO. HELENA, MONT.

amended. All in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

(No response)

CHAIRMAN GRAYBILL: Section four is adopted.

Mr. Eskildsen.

DELEGATE ESKILDSEN: I move that the Committee of the Whole rise and report progress and beg leave to sit again.

CHAIRMAN GRAYBILL: Mrs. Babcock, for what purpose do you rise?

DELEGATE BABCOCK: Mr. Chairman. I rise for a point of personal privilege. I don't know if anyone has noticed, but we have a picture of the vice president of the United States on the walls of this convention hall. It has been defamed and it has been recorded on this machine all afternoon. This tape will be used to show our children. I don't think that's in good taste at all.

CHAIRMAN GRAYBILL: Very well. I wonder if whoever owns that picture would take it down. If they don't, in the morning we'll have a vote to see if we can take it down. The motion was to rise and report. All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Report progress, that is. Very well. Opposed.

(No response)

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: So ordered.

PRESIDENT GRAYBILL: Will the clerk please read the title and signature of the committee report?

CLERK SMITH: March 10, 1972. Mr. President. We, your Committee of the Whole, having had under consideration Report Number Ten of the Committee on Education and Public Lands recommend as follows: that the Committee rise and report progress and beg to sit leave again. Signed, Graybill, Chairman.

PRESIDENT GRAYBILL: Is there anyone who wants the entire report read?

DELEGATES: No.

PRESIDENT GRAYBILL: Very well. So many as are in favor of the report of the Committee of the Whole, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

(No response)

PRESIDENT GRAYBILL: The Ayes have it and so ordered. Mr. Eskildsen.

DELEGATE ESKILDSEN: I so move that we adopt the Committee of the Whole report. There are a couple of announcements.

PRESIDENT GRAYBILL: Mrs. Eck.

DELEGATE ECK: Mr. Chairman and delegates. The

STATE PUBLISHING CO. HELENA, MONT.

interns have asked me to announce that they are having a party at their house tonight. I think this is the beginning of final week if they were in school so it seems kind of the time for a last fling. Their address is 1215 Peosta at 8:00 o'clock P.M., and they would like any or all of you to come. Thank you.

PRESIDENT GRAYBILL: Very well. Revenue and Finance meeting in Room 437 on adjournment. The meeting will only last about five minutes. Other announcements? Very well.

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President. I move we adjourn until Saturday, March 11th at 9:00 o'clock A.M., 1972.

PRESIDENT GRAYBILL: All in favor of adjourning until tomorrow morning at 9:00 o'clock A.M., say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

(No response)

PRESIDENT GRAYBILL: So ordered.

(Adjournment 5:56 o'clock P.M.)

STATE PUBLISHING CO. HELENA, MONT.

MONTANA CONSTITUTIONAL CONVENTION

March 11, 1972 43rd Convention Day Convention Hall

9:08 o'clock A.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will be in order. If you'll all rise, Father Arbanas will give us the Invocation this morning.

DELEGATE ARBANAS: Good Father, we are working on education. Help us to do a good job. We pray for our teachers that they may teach both how to make a living and how a life should be lived. We pray for our students who are in school right now that they may appreciate the wisdom of the past, the responsibility of the present, and the hope of the future. Lord, grant each of us today that we may keep in mind that one bright-eyed, freckled-face, squirmy kid is of more value than any or all of our institutions. Our most joyful privilege is to help young people to grow and to be free and to inherit a world that will be a little better than the one our parents left to us, Amen.

PRESIDENT GRAYBILL: We'll take attendance this morning by voting Aye on the voting machines.

CLERK HANSON: Delegate Babcock, Delegate Choate, Delegate Cross, Delegate Felt, Delegate Foster, Delegate Harbaugh, Delegate Heliker, Delegate Holland, Delegate James, Delegate Johnson, Delegate Joyce, Delegate Kelleher, Delegate

STATE PUBLISHING CO. HELENA, MONT.

Loendorf, Delegate Payne, Delegate Rollins, Delegate Scanlin, Delegate Babcock, Delegate Choate, Delegate Foster, Delegate Holland, Delegate Rollins. Mr. President, may Delegates Roeder and Furlong be excused please?

PRESIDENT GRAYBILL: Very well. List the absentees once more, will you?

CLERK HANSON: Delegate Babcock, Delegate Choate, Delegate Foster, Delegate Holland.

PRESIDENT GRAYBILL: Very well. Take the attendance.

Aasheim	- Present	Bowman	- Present
Anderson, J.	- Present	Brazier	- Present
Anderson, O.	- Present	Brown	- Present
Arbanas	- Present	Bugbee	- Present
Arness	- Present	Burkhardt	- Present
Aronow	- Present	Cain	- Present
Artz	- Present	Campbell	- Present
Ask	- Present	Cate	- Present
Babcock	- Absent	Champoux	- Present
Barnard	- Present	Choate	- Absent
Bates	- Present	Conover	- Present
Belcher	- Present	Cross	- Present
Berg	- Present	Dahood	- Present
Berthelson	- Present	Davis	- Present
Blaylock	- Present	Delaney	- Present
Blend	- Present	Driscoll	- Present

STATE PUBLISHING CO. HELENA, MONT.

1	Drum	-	Present	Kelleher	-	Present
2	Eck	-	Present	Leuthold	-	Present
3	Erdmann	-	Present	Loendorf	-	Present
4	Eskildsen	-	Present	Lorello	-	Present
5	Etchart	-	Present	Mahoney	-	Present
6	Felt	-	Present	Mansfield	-	Present
7	Foster	-	Absent	Martin	-	Present
8	Furlong	-	Excused	McCarvel	-	Present
9	Garlington	-	Present	McDonough	-	Present
10	Graybill	-	Present	McKeon	-	Present
11	Gysler	-	Present	McNeil	-	Present
12	Habedank	-	Present	Melvin	-	Present
13	Hanson, R. S.	-	Present	Monroe	-	Present
14	Hanson, R.	-	Present	Murray	-	Present
15	Harbaugh	-	Present	Noble	-	Present
16	Harlow	-	Present	Nutting	-	Present
17	Harper	-	Present	Payne	-	Present
18	Harrington	-	Present	Pemberton	-	Present
19	Heliker	-	Present	Rebal	-	Present
20	Holland	-	Absent	Reichert	-	Present
21	Jacobsen	-	Present	Robinson	-	Present
22	James	-	Present	Roeder	-	Excused
23	Johnson	-	Present	Rollins	-	Present
24	Joyce	-	Present	Romney	-	Present
25	Kamhoot	-	Present	Rygg	-	Present

STATE PUBLISHING CO. HELENA, MONT. 3

Scanlin	-	Present	Swanberg	-	Present
Schiltz	-	Present	Toole	-	Present
Siderius	-	Present	Van Buskirk	-	Present
Simon	-	Present	Vermillion	-	Present
Skari	-	Present	Wagner	-	Present
Sparks	-	Present	Ward	-	Present
Speer	-	Present	Warden	-	Present
Studer	-	Present	Wilson	-	Present
Sullivan	-	Present	Woodmansey	-	Present

PRESIDENT GRAYBILL: Mr. Clerk, Mr. Holland is present.

CLERK HANSON: Mr. President, ninety-five Delegates present, two excused, three absent.

PRESIDENT GRAYBILL: Very well. The journal may so show. Order of Business Number One.

CLERK HANSON: Mr. President. We, your Committee on Style, Drafting, Transition and Submission transmits revisions of Report Number Seven of the Committee on Revenue and Finance. Signed, John Schiltz, Chairman.

PRESIDENT GRAYBILL: Very well. Revenue and Finance is before you and is placed on General Orders -- the Style and Drafting Report on Revenue and Finance. Order of Business Number Two, Reports of Select Committees?

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Three,

STATE PUBLISHING CO. HELENA, MONT.

Communications?

CLERK HANSON: None.

PRESIDENT GRAYBILL: Number Four, Introduction?

CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: Number Five, Final Consideration?

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Six, Adoption?

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Seven, Motions and Resolutions?

CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Eight, Unfinished Business?

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Nine, Special Orders?

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Ten.

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President. I move the Convention resolve itself into Committee of the Whole for the purpose of handling business under General Orders to handle Proposal Number Ten on Education.

PRESIDENT GRAYBILL: The motion is to move this Con-

STATE PUBLISHING CO. HELENA, MONT.

vention into Committee of the Whole. All in favor, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

(No response)

PRESIDENT GRAYBILL: So ordered.

(Committee of the Whole)

CLERK HANSON: The Style and Drafting Committee Proposal Number Five, having been duplicated and placed on the delegates' desks on the ninth day of March, 1972 at 9:00 o'clock A.M. is now in compliance with Rule Twenty-three of the Montana Constitutional Convention Rules. March 11, 1972. The following committee proposals are now on General Orders: Education, Public Health, Local Government, General Government, Style and Drafting Reports Number Five, Six and Seven. Mr. President.

CHAIRMAN GRAYBILL: Very well. I think the point of Mr. Eskildsen's motion was that although the rules require that we take up Style and Drafting first, without objection we'll pass Judiciary on Style and Drafting and continue with Education this morning. Is there objection? Very well. We'll continue with Education. Will the clerk please read section five of Proposal Number Ten of the Education and Public Lands Committee Proposal?

CLERK HANSON: (Reading) Section five, Public School

STATE PUBLISHING CO. HELENA, MONT.

Fund Revenue: Ninety-five per centum of all the interest received on the school funds of the state, and ninety-five per centum of all rents received from the leasing of school lands and of all other income from the public school funds shall be equitably apportioned annually to the public elementary and secondary districts as provided by law. The remaining five per centum of all the interest received on the school funds of the state, and the remaining five per centum of all the rents received from the leasing of school lands and of all other income from the public school funds, shall annually be added to the public school funds of the state and become and forever remain an inseparable and inviolable part thereof. Mr. Chairman, section five.

CHAIRMAN GRAYBILL: Mr. Harrington.

DELEGATE HARRINGTON: Mr. Chairman. I move that when this committee does arise and report after having had under consideration section five of the Education and Public Lands Article, that the same do pass. Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harrington

DELEGATE HARRINGTON: The proposed section five is a shortened and revised version of section five in the present constitution. The intent of the provision, to constitutionally protect the interest and income from the public school fund, is important. However, the particular restrictions as to its distribution to schools are considered obsolete

STATE PUBLISHING CO. HELENA, MONT.

in light of present conditions. The language concerning the portions to be distributed and that which is to be reinvested remains the same as in the present constitution. The methods of distribution previously specified are replaced by a general phrase, shall be equitably apportioned annually to elementary and secondary schools as provided by law. The replacement language provides the desired flexibility to the legislature to develop school financing programs in tune with current necessities. Particularly relevant to this change is the trend across the nation, in accordance with recent court decisions under the equal protection doctrine, to provide more equitable school financing systems. The flat grant type of aid provided under the old method of distributing income and interest to all school districts on a census basis is clearly anti-equalizing under the standards discussed in the commentary to section one. By specifying only that the distribution must be equitable, the new language allows the legislature to determine the type of distribution which will attain this goal. Restrictions in the form of specified districts, age, and school terms which may have been applicable at the time of writing the 1889 Constitution, are no longer meaningful. Rather than attempt to apply new restrictions more in keeping with the contemporary school system, the committee determined that it was preferable to allow for changing needs as interpreted by the legislature by

STATE PUBLISHING CO. HELENA, MONT.

designating only a broad standard, namely equitably apportioned as provided by law. A further element in the distribution system authorized by the existing provision is the specification that the interest and income money be distributed to the several school districts. This has been interpreted in the past to mean that funds deriving from this source be granted only to elementary schools, presumably because elementary schools were the only public schools in existence at the time when this provision was written. In keeping with its intention to expand legislative possibilities in educational finance, as discussed in the commentary on section one, the committee has replaced the phrase, several school districts, with public elementary and secondary schools. This would change the existing distribution system to include high schools as recipients of interest and income money. The immediate result is anticipated by the office of the superintendent of public instruction to result in a net saving of administrative costs to the state. We have felt through this change that we have made a much more equitable section to the constitution. Now, some actions taken in section one yesterday, may not be actually applicable to this. In other words we've gone back to several school districts. The committee feels that this is very important. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Very well. Is there discussion

STATE PUBLISHING CO. HELENA, MONT.

on section five?

Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. Chairman. I had a delegate proposal in on this section. The committee has incorporated it in different language, but the idea is there. I commend the Education Committee for changing this so we get away from the old distribution formula that it is distributed to the children of a district between the ages of six and twenty-one. This really didn't work out in later years, as Dan said. It might have been good in 1889 but it certainly is no longer reasonable to have such language in. I think that this is a great improvement and will give a great deal more flexibility on the distribution of the income from these school lands. I support the Education Committee on this.

CHAIRMAN GRAYBILL: Mr. Martin, are you up?

DELEGATE MARTIN: Yes, sir. Do I have an amendment up there?

CHAIRMAN GRAYBILL: Not to five that I know of.

DELEGATE MARTIN: If not --

CHAIRMAN GRAYBILL: I have one to eight.

DELEGATE MARTIN: There's one on the same page as the one that was on yesterday.

CHAIRMAN GRAYBILL: Oh, well. The clerk will read Mr. Martin's amendment.

CLERK HANSON: (Reading) Mr. Chairman. I move to

STATE PUBLISHING CO. HELENA, MONT.

amend section five, page seventeen of the Education and Public Lands Committee Proposal Number Ten as follows. At line five, page seventeen, by adding between the word, to, and the word, public, the following words, quote, the several school districts of the state for, end quote. Signed, Martin.

CHAIRMAN GRAYBILL: The phrase to add is, the several school districts of the state.

DELEGATE MARTIN: Mr. President.

CHAIRMAN GRAYBILL: Just a minute until we get it down, Mr. Martin. Several school districts of the state for. If you're on page four, it's on line twenty-four after annually to the several school districts. So, the sense of the sentence reads that the money shall be distributed equitably, apportioned annually to the several school districts of the state for public elementary and secondary school districts.

Mr. Martin.

DELEGATE MARTIN: Mr. President. Delegate Champoux was good enough to give me a book yesterday . He said my education had been neglected. It's a working draft of a study of basic educational program funding methodology in Montana. I'll be very brief. On one page of it, it says the sources of revenue for school district general fund budget support for 1971 and 1972: General fund revenue one hundred thirty-four point eight million. The foundation program, state and county, eighty-seven point two million

STATE PUBLISHING CO. HELENA, MONT.

which included a permissive levy of the districts of twenty-one point fifty-nine million and a voted levy of the district of twenty-five point forty-seven million. I think it evident from that that the school districts have a real part in financing education. For that reason, I think that the amendment should be retained.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Mr. Martin gets a "C" for the day. He didn't read far enough. (Laughter)

CHAIRMAN GRAYBILL: That's better than "F", Mr. Champoux.

DELEGATE CHAMPOUX: Yes it is, sir. Fred, you're right. This is correct. I absolutely believe that the local school district is a necessity in this whole process. The problem is with that word, several, though. Now, if I may just briefly go over that point again. If you read that report further, you'll find out that in many districts of this state, there is inequality in terms of the amount of money to be spent. Now, as Mr. Harrington noted on the business of the flat grant, a flat grant simply means a block of money that's apportioned to each individual district. Now, if the district is ahead in terms of money to begin with, when you give them the flat grant from the state, it even throws it further out of balance. You see that? So, if it's unequal to begin with and you give them that flat grant, then it's

STATE PUBLISHING CO. HELENA, MONT.

going to be even more unequal. Now, when we use the term of several districts and why I asked Fred the meaning of that yesterday, was to attempt to get on the record whether we mean by that every district, every district. Now, if you lawyers can convince me that the courts will say that it does not mean every district, I will accept the word several. However, if it can be open to contention, then we're in trouble. I will agree to the school districts any day, Fred. Thank you.

CHAIRMAN GRAYBILL: Mr. Martin, the Chair would like to inquire of you. You're aware that Mr. Champoux, before he started this section, did amend line twenty-five on page four to put in the word districts so that it is now annually to public elementary and secondary school districts. You're aware that the word districts is already in the sentence, aren't you?

DELEGATE MARTIN: I'm sorry, Mr. Chairman.

CHAIRMAN GRAYBILL: Why don't you look at your book there? Can you go to page four a minute with me?

DELEGATE MARTIN: You bet.

CHAIRMAN GRAYBILL: Page four, line twenty-five. Before we started the whole Education Article, we amended by -- They made some addendas to their draft here. The line should read, secondary school districts. They've got a little carrot there. So, I just want you to know that word is there.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE MARTIN: I'll withdraw my amendment. I was not aware of it. I'm sorry.

CHAIRMAN GRAYBILL: Very well. We'll let you. Mr. Martin's amendment is withdrawn. Is there other discussion of section five? Very well. Members of the body, you have before you for your consideration on the recommendation of Mr. Harrington, that when this committee does arise and report after having had under consideration section five of the Education Article, that the same be recommended for adoption. All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed.

(No response)

CHAIRMAN GRAYBILL: Section five is adopted. Will the clerk read section six?

CLERK HANSON: (Reading) Section six, Aid Prohibited to Sectarian Schools: Neither the legislative assembly, nor any county, city, town, or school district, or other public corporations, shall ever make directly or indirectly, any appropriation, or pay from any public fund or monies whatever, or make any grant of lands or other property in aid of any church, or for any sectarian purpose, or to aid in the support of any school, academy, seminary, college, university, or other library, scientific institution, controlled in whole or in part by any church, sect or denomination whatever. Mr.

STATE PUBLISHING CO. HELENA, MONT.

Chairman, section six.

CHAIRMAN GRAYBILL: Mr. Burkhardt.

DELEGATE BURKHARDT: Mr. Chairman. I move that when this committee, after its consideration of this section of the Education Article, does rise and report that it move to adopt the same. Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Burkhardt.

DELEGATE BURKHARDT: We have, in this section, as a majority of the committee recommended the retention of the existing language for several reasons. I would like, if you would be willing, to look with me at these reasons on pages nineteen, twenty and twenty-one. If you're like I am, on some of these reports, you've had excellent intentions but you've been busy with your own committee and haven't had the time to maybe look in depth. It could be that looking at them now would save us time as we carry on the debate which follows. I would direct your attention to the top of page twenty. Page nineteen simply states that we did very seriously consider the issue and here are some of the major points which came up. Number one on line three: The primary and significant advantage secured by the present provision is the unequivocal support it provides for a strong public school system. The traditional separation between church and state, an important part of the American social framework, has also become a fundamental principle of American education. The

STATE PUBLISHING CO. HELENA, MONT.

growth of a strong, universal, and free educational system in the United States has been due in part to its exclusively public character. Under federal and state mandates to concentrate public funds in public schools, our educational system has grown strong in an atmosphere free from divisiveness and fragmentation. Any diversion of funds or effort from the public school system would tend to weaken that system in favor of schools established for private or religious purposes. The second argument has to do with the fact that it is the function of the state to provide for education. We've recognized that already in the article as we proposed it. We do have that right as a state. Moving to line twenty-six in the third of the major points which we, as a committee, considered and this I think had perhaps as much to do with the decision we made as any of these that we have discussed. Any change in the present provision, whether substantial or merely formal, might endanger passage of the entire constitution. The church-state issue, which is interwoven with the question of public aid to nonpublic schools, stirs deeply held emotional feelings in various sectors of the public. The emotionalism aroused over potential debates on this question might obscure other important issues in education and in the constitution as a whole. The change in this area proposed in New York's 1967 constitution is thought to have been a significant contributing factor to the constitution's defeat at

STATE PUBLISHING CO. HELENA, MONT.

the polls. A large number of witnesses, representing various religious and nonreligious organizations, testified emphatically against any change in the present provision. Our fourth major point that's listed on line ten poses the possible threat to religious groups if the state begins in some larger measure to participate in their educational process. Down on line twenty-four of page twenty-one, we begin a bit of in-depth statement about the alternatives that have been proposed. A second alternative considered by the committee was to exclude federal funds administered by the state from the applicability of the provision. A fundamental concern expressed by some witnesses before the committee was that some forms of federal aid to nonpublic schools, particularly of the type envisaged in revenue sharing programs, are or would be prohibited under the existing provision. The committee does not agree that this poses a realistic problem for, as indicated in Appendix F at the back of this report, there is a listing of the funds and the kinds of aid which have reached students in nonpublic educational institutions in the state. It is the majority of the committee's opinion that presently operating federal aid programs in education are not being significantly affected by our constitutional provision. As to future federal programs, the committee feels that precedent shows that potential problems can be resolved without a change in the constitutional provision. No specific case was brought to

STATE PUBLISHING CO. HELENA, MONT.

the committee's attention in which federally granted funds have been denied in Montana to nonpublic schools because of the operation of the existing constitutional provision. A note from the department of instruction indicates that they have not kept any available funds from distribution to nonpublic schools. I think if you look at the appendices that are in the back of our report, there's an indication of textbook loans and various federal programs which have been available and have been distributed in the amounts that are there stated. Let me say that simply to make some kind of statement about feelings on this thing, it seems to me that I am somewhat uncomfortable in defending status quo things. I feel that life is a changing process and that we constantly have to be in a dynamic kind of dialogue with what's going on if we're going to stay in touch with what's happening in the world. Probably if we were starting from no place, the exact wording of this statement might not be as it is in our constitution. We did genuinely feel that this had had an effect on the New York Constitution, that it was establishing at least the principle of separation that we have observed in our government and in our schools throughout history, and that to tamper with it would be to endanger the entire document. As a way of understanding this, I thought myself that this constitution, in some ways, can be likened to shipbuilding in this country in the middle of the 1800's when there

STATE PUBLISHING CO. HELENA, MONT.

was a change going on from sailboats to steam engines. For a while, those who advocated steam and those who advocated sails were in battle as to how to build vessels that would handle ocean transport. There was a period in our history when both sails and steam were on board the ships. They did not trust either one completely. I think Montana is in the process of transition as is our nation and always is in the process of transition and there must be some holding firm on certain principles as we move out in others. I've sometimes thought we're mid-way between the cow pony and solid fuel rocketry here in Montana. We have both. Both have a place and each does a job. I profoundly hope that the solid fuel rocketry that is less than a hundred miles from here and never is used in those silos, I hope we'll see the day when that's refashioned for a granary or whatever. At any rate, this is where we are. We felt that to play fair with the document as a whole, the majority of us would advocate keeping the section as it now stands. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman. I'd like to move an amendment to this section. The amendment is the minority proposal on page forty-three. The amendment removes the word, indirectly, from the body of the majority proposal and adds at the close these words: This section shall not apply to funds from federal sources provided to the state for the ex-

STATE PUBLISHING CO. HELENA, MONT.

pressed purpose of distribution to nonpublic education.

CHAIRMAN GRAYBILL: Mr. Harbaugh, what's the word that you wish to remove?

DELEGATE HARBAUGH: The words, or indirectly, on line eight of the minority proposal where the correction is made. In the majority proposal, it's on line six.

CHAIRMAN GRAYBILL: All right, on page what?

DELEGATE HARBAUGH: On page five, removing the words, or indirectly.

CHAIRMAN GRAYBILL: Line -- I just want to be with you here.

DELEGATE HARBAUGH: Page five, line six. We're deleting, or indirectly.

CHAIRMAN GRAYBILL: Okay. So, the sense of the minority proposal is to delete the words, or indirectly, on line six on page five, and to add the sentence which is placed at the end, which is line fourteen to seventeen on page forty-three. Is that correct?

DELEGATE HARBAUGH: That's correct.

CHAIRMAN GRAYBILL: All right. Now, go ahead.

DELEGATE HARBAUGH: Mr. Chairman. I suppose at the beginning of this, I should say -- I should admit to my special interest here, that I am a member of a denomination which, along with three other denominations -- two other denominations -- has a financial interest in the support of

STATE PUBLISHING CO. HELENA, MONT.

Rocky Mountain College in Billings. The press had an interesting time with the fact that I was planning to debate this and I hope that, if nothing else, this debate will prove that ministers are human and that they can disagree with one another. I'd like to give you some of the reasons why I think we need some changes in this section. First of all, I think that it's important to understand the background of the so-called Blain Amendment which is the section that is presently in our constitution, which the majority is proposing that we retain. This type of article is common to many states. I think there are thirty some states that have this particular type of article. It originated through a man by the name of James G. Blain, who was an American statesman and politician back in the nineteenth century. In 1862, he was elected to congress and he introduced into the congress the Blain Amendment which, basically, is the clause that we have in our constitution. That amendment did not pass the Federal Constitution but it developed in an area when there was a great deal of concern across the country about foreigners and about catholics in particular. A rather secret society grew up the purpose of which was to be sure that no foreigners and no catholics were elected to public offices. They called themselves the no nothing party because whenever they were asked what party they belonged to, they would reply that I don't know. So, they gained the name of the no nothing party. Even though

STATE PUBLISHING CO. HELENA, MONT.

the Blain Amendment failed in the congress -- the amendment that spoused the purpose of the no nothing party -- at about this same time across the country, many states were writing their constitutions. Consequently, as the hysteria of this movement spread across the nation, many state constitutions wrote into their document, the Blain Amendment. So, in 1889, when Montana was developing its constitution, along with the Dakotas, this section was included. So, here in 1972, or eighty years later, the state of Montana still retains in its constitution remnants of a long past era of prejudice. The inflexibility and the rigidity of this borrowed heritage is something that I do not think belongs in our constitution. Having said that, I want to make the point that it is not my intention here to debate the doctrine of separation of church and state. I think that doctrine has amply been set forth by the United States Supreme Court's interpretation of the First Amendment. There is absolutely nothing that we could do here as a body that could, in any way, alter two hundred years of court interpretation and tradition. So, the point of this amendment has to do with federal aid to nonpublic education. It does not have to do with state aid to public education. The minority is right in -- the majority rather -- is right in pointing out that we are already receiving federal funds in this state and although, because of the restrictive language of our present constitu-

STATE PUBLISHING CO. HELENA, MONT.

tion, sometimes we have to use some rather questionable methods in order to see that the aid gets to its destination. Just as one example, let me cite the way that we distribute textbooks in this state to the nonpublic schools. They have to go out on what is called permanent loan to the public schools because the state cannot give textbooks to the public schools because of this particular section of our constitution. So, we loan them permanently. Now, you and I know that if we have a book in our library and we loan it permanently, what that means. The purpose of removing the word, indirectly, from the majority section would simply serve to legitimatize constitutionally what we, in fact, are doing in many areas and would make it possible for the state to authorize other forms of indirect aid permissible under the First Amendment which provides assistance on the child benefit theory. So, let's keep this clearly in mind. We're talking about federal aid in this amendment and not about state aid. Secondly, the primary thrust of this amendment would be to insure that any federal funds that were made available to nonpublic, parochial schools in the future, would not be denied. Why do we need this sort of amendment? Well, precisely because we don't know what the structure of the financing of the public school systems is going to be in the decades ahead. Let me read to you a section of a news clipping which appeared in the Independent Record just a few days ago. A presidential

STATE PUBLISHING CO. HELENA, MONT.

commission urged today that the states assume the primary burden for financing public schools and said much less reliance should be placed in local property taxes for this purpose. The commission on school finance appointed by President Nixon two years ago also recommended that the Federal Government distribute incentive grants that would reimburse the states for part of the costs of financing elementary and secondary education. In the appendix, the commission said it did not think it appropriate to offer recommendations affecting national tax policy, including among other things, new revenue sources such as value added tax. The report itself did not mention such a possibility and then it goes on to tell more about the commission. But, the point is here that across the nation, there are many studies going on affecting various methods of financing education. Currently there is in congress a twenty-four billion dollar package for higher education under consideration. If it becomes a reality, would pump large sums of federal money into the states. If the Federal Government should, in the years to come, make block grants, provide tuition payments to students, Montana might be in a position where we could not receive such funds if its constitution forbade the distribution of those funds through the state department of public instruction. By the addition of these few words at this time, I think we could prevent this from ever happening. Private school students need all

STATE PUBLISHING CO. HELENA, MONT.

the help they can get in these days of inflation and rising costs. The state should not, in my opinion, take a position which might, because of its extreme inflexibility, deny at some future date funds which might legitimately be channeled to them from federal sources. If we're serious about our concern to give all students within our state an equal educational opportunity, without regard to their religious preference, here is a way in which that cause can be aided and can be done without any additional cost to the state of Montana. I urge the adoption of this amendment.

CHAIRMAN GRAYBILL: Mr. Toole.

VICE PRESIDENT TOOLE: Mr. Chairman. I don't really know quite how I got mixed up in this. I don't belong to any church or have any affiliation with any college, public or private, or school, public or private. I guess I got mixed up in it because I looked at the language. To me, the language seems eminently fair. It takes away nothing from anyone. It is admitted that section six is an especially stringent section that is perhaps among the most stringent in the nation. It seems to me that those who resist the minority report perhaps might be accused of taking a dog in the manger attitude, if we can't have it, you can't have it either. What would happen to the federal fund if they came to the state of Montana and, under the Blain Amendment, they could not be distributed to nonpublic schools? Would they

STATE PUBLISHING CO. HELENA, MONT.

lay idle in the state treasury? Would they revert to the Federal Government? I think, Mr. Chairman, that this convention has given great attention to the rights of minorities. I submit to you that in this instance, we have a minority right of great significance. We have given great attention to the matter of pluralism in our society and the necessity to maintain it. I think these few harmless words could be of significant benefit and cannot possibly harm anyone in the state of Montana. I urge the adoption of the minority report.

CHAIRMAN GRAYBILL: Mr. Driscoll.

DELEGATE DRISCOLL: Mr. Chairman. I rise in support of Mr. Harbaugh's amendment. I first must state that I do have an interest in this argument. I am a catholic and the parent of ten children attending both public and private schools. I've also been engaged in public education all my life. I look with a great deal of respect on Mr. Burkhardt. I have followed his thoughts during this convention quite well. He speaks eloquently and persuasively. However, when he speaks of Montana in transition and yet wants to retain an archaic provision in our constitution, I can't quite understand that. When we're going to put the welfare of ten thousand children against the defeat of this document, we must also remember that we are getting another minority group who will attempt to defeat the document. I feel that Mr. Burkhardt's provision is adequate. It doesn't provide for

STATE PUBLISHING CO. HELENA, MONT.

any conflict in church and state. It merely provides that we give children of another minority group as much of a benefit as we gave the Indians yesterday. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Brown.

VICE PRESIDENT BROWN: Mr. Chairman. When I came in this morning, I was going to move to delete all of section six. I was requested not to so I would like to speak in behalf of the minority. I'm a protestant. I have five children. They all go to the public schools and to the state universities and I have no intention of sending them to any private school at this time. The majority states that they know that parochial schools are getting funds from the federal government and they say it's fine. If it is all right, why can't we accept this simple amendment? I cannot see the reasoning at all. I've heard the argument that if they want their own schools, then they should pay for them themselves. I agree with this doctrine, but if we want true separation of church and state, then the other churches -- They don't pay property taxes; they don't pay any income taxes; when they have a donation or a bequest by reason of death, they pay no state inheritance tax; they pay no federal estate taxes. Now, if you want true separation, you should require your churches to pay these taxes and don't ask for these benefits from the government. So, I think it is really ridiculous not to accept the minority. Thank you, Mr. Chair-

STATE PUBLISHING CO. HELENA, MONT.

man.

CHAIRMAN GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, members of the committee. I'm with Mr. Brown. I've lived with the Blaim Amendment and the philosophy of the Blain Amendment all the days of my life. I can remember during the Al Smith campaign when they burned crosses on the rimrocks in Billings. I can remember being let out of school in the fourth grade to erase three K's on the front doors of the catholic church in Billings. I am a Roman Catholic. I'm not a card carrying Roman Catholic. I'm a practicing one. I don't take up the collection or work very hard on drives, but I find something in my religion that I need and I don't try to force it on anyone else. To me, the Blain Amendment is a badge of bigotry and it should be repealed. I've been asked to back off on that and I'm going to try to be as reasonable as I can although I feel much more emotionally about this than I do about our courts of justice which, just a week ago, I worked so hard on. My credentials in trying to get rid of the badges of bigotry are good. In 1953, I personally and single-handedly repealed the misogynous marriage law of Montana on the very sound ground that our statute books should not be graced with such a dispicable statute. I feel the same way about the Blain Amendment. Somebody asked the other day how much purer we can get than pure, what we could do with our water to

STATE PUBLISHING CO. HELENA, MONT.

make it any cleaner than clean. I submit to you that the legislative article has a watered down version of the Blain Amendment in it. I don't know what more we could do than perhaps make it impossible for the justices of the supreme court to approve any such legislation, or possibly prohibit the governor from signing such legislation. My personal opinion is that if this thing should come out of here as a badge of bigotry, I'll be content with the well reasoned statements that Mr. Harbaugh has made if that can be accomplished. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: Mr. Chairman. I am not exactly sure what Mr. Schiltz meant -- what all he meant to include in this bigotry idea of his. I rather think that most of us do not believe that the separation of church and state is an evidence of bigotry. I think we rather believe it to be an evidence of an evolution in history that has proved to be very wise in this country. You don't have to go back just five or ten years. You can go back across the history of church-state relationships not only in this country but in other countries, and back as far as recorded history of man is concerned. Somehow, when state and a dominant church, or any church, get mixed up, it always has seemed to work to the detriment of both the church and the state itself. I don't think I need to make a long speech to document that. I be-

STATE PUBLISHING CO. HELENA, MONT.

lieve thoughtful Americans are dedicated to the idea that church and state should be separated. Evidently, the minority group is dedicated to that idea because they do not wish to change this section. The remarks suggest that they want to change it but there must be some reason that they do not ask to strike it all out. They simply would like to add this one particular amendment to say that we now allow, in definite words in our constitution, that federal aid will not be prohibited. The majority report, I notice on page twenty, simply says -- or rather on page twenty-two -- says that no specific case was brought to the committee's attention in which federally granted funds have been denied in Montana to nonpublic schools because of the operation of the existing constitutional provision. The arguments for putting this sentence in is that it is done anyway. I presume that the majority committee's suggestion for keeping it out is equally valid that since it has no effect and does not limit the present situation and federal aid is able to be channeled for these specific purposes, that there's no real reason for including it. I did not identify myself as one with particular interests in this, on the basis of being a United Methodist with interests in Rocky Mountain College, because several years ago our three demoninations, Presbyterian, Congregational and Methodist, gave up corporate control of Rocky Mountain College on this particular issue. The administration of the college

STATE PUBLISHING CO. HELENA, MONT.

said that they could not get federal funds because we were a church related college and the church had corporate control. Because we did not see it several years ago, nor do we see now, any real way for a college to continue existence in Montana without some kind of government help in terms of building and the rest of it, our three denominations voted to give up the corporate control of Rocky Mountain College. Rocky Mountain College is now a private institution. Our three denominations are still traditionally and historically and psychologically interested in Rocky Mountain College, but we do not now control it. We did it for two reasons. One, as I've said, Rocky could not get federal aid for building and programs as a church institution that it needed to have and, secondly, our denominations actually do believe in this idea of separation of church and state. Rather than receive aid for our church school, we gave up control of the school that we had built and had maintained and sustained for nearly a century through many hard times here in Montana. I submit to you that many people of this state do feel very, very keenly on this issue. We've mentioned this on others. I don't think I'm going to vote just on that. I'm going to vote on the basis of my own private belief on this, but I think it is something that we need to take into consideration. One of the proponents of this minority proposal said that many people will perhaps be against the new constitution if

STATE PUBLISHING CO. HELENA, MONT.

do not make the change. Well, I submit to you that they hardly are going to espouse the old constitution where the wording is exactly the same on that account. There are many other things that could be said and I'm sure that other people will put in their particular viewpoints. I simply rise to suggest that because many people are not rising on this other side is not because we believe that church-state separation is a badge of bigotry.

CHAIRMAN GRAYBILL: Mr. Loendorf.

DELEGATE LOENDORF: Mr. Chairman. I'd like to make a substitute motion and perhaps the Chair would read it.

CHAIRMAN GRAYBILL: Will the clerk read Mr. Loendorf's substitute motion?

CLERK HANSON: (Reading) Mr. Chairman. I move to amend section six, page five, lines three through thirteen of the Education and Public Lands Committee Majority Proposal by deleting it in its entirety and inserting in lieu thereof the following words and punctuation: Section six, Aid Prohibited to Sectarian Schools: Neither the legislative assembly nor any county, city, town or school district or other public corporations shall ever make, directly or indirectly, any appropriation or pay from any public fund or monies whatever, or make any grant of land or other property in the aid of any church or for any sectarian purpose or aid in the support of any school, academy, seminary, college, university or

STATE PUBLISHING CO. HELENA, MONT.

library, scientific institution, controlled in whole or in part, by any church, sect, denomination whatever. This section shall not apply to funds from federal sources provided to the state for the expressed purpose of distribution to non-public education. Signed, Loendorf.

CHAIRMAN GRAYBILL: Very well. Mr. Loendorf has made a substitute motion, the effect of which is to add to the majority report's so-called Blain Amendment, the last sentence of the minority report about federal funds. We now have the majority report. We then have the minority report that has that sentence in it, but also takes out the words, indirectly. We now have Mr. Loendorf's substitute motion which, if I'm not mistaken, Mr. Loendorf, is the text of the majority report with the last sentence from the minority report written in. Is that correct?

DELEGATE LOENDORF: That's correct, Mr. Chairman.

CHAIRMAN GRAYBILL: Very well. You may have your substitute motion.

DELEGATE LOENDORF: Okay. Thank you, Mr. Chairman. As Mr. Burkhardt indicated initially, he thought that this was an issue that was perhaps a bit emotional and I thought we could talk on a completely logical and common sense basis. I see I've got the Chair a little excited. He's back to calling me Loendorf again.

CHAIRMAN GRAYBILL: I had something else in mind and

STATE PUBLISHING CO. HELENA, MONT.

I just -- excuse me, Mr. Loendorf.

DELEGATE LOENDORF: Right. I do believe that this body is capable of a common sense and logical approach to this question. I recognize it's emotional in certain areas and I think that the amendment I've made shouldn't cause much emotion. If you read it, it's as the Chair explained it. It takes Article Eleven, section eight and keeps it as it is. It's different from the minority report in the sense that it puts the words, or indirectly comma, back into it. What this section does in our present constitution and what it means, I'm not sure. But, under my proposal, it will continue to mean and do whatever it does now. The minority report differed from the majority then in only one other area and that was the last sentence by which it excluded federal funds from application to that section. I'd like to talk about an area that I think was forgotten. That is, what effect does this last sentence have on public schools? To me, whatever benefits it has for private schools which I'm sure it was aimed at and attempted to do, it will have the same benefit for public schools. Now, the majority, if I read their comments correctly, did not reject that last sentence because they wanted to prohibit federal funds from coming into the state. Rather, they felt it was not necessary and, so far, I agree. It has not been necessary yet. I would, however, point out that no one has yet taken this matter to court. In

STATE PUBLISHING CO. HELENA, MONT.

these programs, which the majority mentions in their comments, involve some state administration and that is aid to private schools. It may or may not be aid which our present constitution prohibits. I don't know. But, if somebody does take one of these present programs to court -- say the program mentioned in the appendix something which concerned loans of textbooks and we're successful, the five thousand dollars that apparently went to loans to private schools would be lost to the state from the federal government. The hundred and fifty-five thousand dollars which went for the benefit of public schools would also be lost. What we're dealing with here is a two-edge sword. I've observed this happen on two occasions. I'm a member of the board of directors for legal services for the state. Last summer, a gentleman from the federal government came from either Kansas City or Denver and told us that we had to amend our by-laws and change our method of operation if we wanted the federal government's funds. We did so and we did get the funds. One of the last special sessions of the legislature was called for the purpose of amending state law to comply with the Highway Beautification Act, so we could receive federal funds there. Of course, both these things we could do. We had flexibility there. It is easy to change a by-law and you can change a statute. But here, we're dealing with a constitutional provision. I think if we want to achieve the goal of the majority as stated by

STATE PUBLISHING CO. HELENA, MONT.

Mr. Champoux yesterday when he read to us the initial statement of the majority, and that is to allow flexibility to meet changes yet unknown, then I think the last sentence proposed by the minority is something we should add. I'm not too concerned about present programs. I am very concerned about the future and what's coming under revenue sharing. We don't know what that'll be but we do know one thing for sure that's going to involve a lot more state participation, state involvement. If what I read in the papers is true, the state will probably be granted funds to self-administer entirely. Now, if we find ourselves in a position where we can't accept those funds because of our constitution, we're in a rather precarious position because it will not be easy to amend and put in this sentence that we have the opportunity to do now, quickly. It'll take a period of time, perhaps a couple years. If this never occurs, then this last sentence will never have any effect. So, merely what my amendment does, doesn't change anything. It merely maintains the status quo. It's like a door stop on the door that's open that allows federal funds to come into the state and nothing more than that. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. President. Will Mr. Burkhardt yield to a question?

CHAIRMAN GRAYBILL: Mr. Burkhardt, will you yield?

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE BURKHARDT: Yes.

DELEGATE BLAYLOCK: Mr. Burkhardt. On the New York Constitution which failed as you told us about on this issue, was that a matter where state funds would be distributed to the nonpublic schools?

DELEGATE BURKHARDT: I think that was the fear that was involved. They had substituted the First Amendment, as I understand it, for their former, more restrictive statement. Perhaps someone else has that right at the tip of their tongue, but that's my reaction.

DELEGATE BLAYLOCK: Mr. President.

CHAIRMAN GRAYBILL: Mr. Blaylock.

DELEGATE BLAYLOCK: I am a public school teacher. I have worked in public schools all my life. I am protestant. I could not buy the First Amendment because of the deletion of the word indirectly. I think that if that were out of there, it would be fairly easy to appropriate a number of funds to some other group and then say that this will be done indirectly. However, I am going to support Mr. Loendorf's amendment. It is stated just as it is in the old constitution and I, for the life of me, can't see any harm where it says that this section shall not apply to funds from federal sources provided to the state for the expressed purpose of distribution to nonpublic education. If those federal funds come in and are for those purposes, for all the children of the state of

STATE PUBLISHING CO. HELENA, MONT.

Montana, I can't see harm in that and I shall support Mr. Loendorf's amendment.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman. Rather reluctantly, I will accept the deletion of this phrase, or indirectly. I really think that there's no need to have that in our constitution. I think we ought to realize that we have at least two other places in the proposed constitution we're already adopted; in the legislative article in subsection six of section eleven which Mr. Schiltz pointed out, that prohibits direct aid of any kind and in the Bill of Rights, in section five, we adopted the language of the First Amendment. I guess if you put it in there three times, you've really got the message across. There are a couple of other things that I think need to be said on this, particularly in regard to the New York Constitution. It has been pretty much accepted here that the New York Constitution failed because it substituted the wording of the First Amendment. I would question that. There were many other reasons why the New York Constitution failed, one of which was that they spent eleven billion dollars -- or eleven million dollars. I think there were also some political considerations that had to do with the failure of that constitution too. There were many witnesses who testified before our committee on this issue. Those who favored retaining the present section very often

STATE PUBLISHING CO. HELENA, MONT.

did give evidence of being quite emotional about this thing. However, I made it a point during the testimony to question many of these people and to ask them, specifically, whether or not they objected to federal aid being received by our schools where it was allowable under the First Amendment. I think that, as I recall, there was only one and possibly two exceptions of the nearly forty people that testified on this. With the exception of one and possibly two people, none of them that I questioned on this objected to the federal aid going to the nonpublic schools. Now, Mr. Harper mentioned that his denomination gave up control of its school because of the financial squeeze. I think that's too bad, that we have to reach a state in America where that happens. I feel that we are approaching a situation in which the pluralism of our society could be very seriously threatened if, indeed, education becomes the prerogative only of the state. I think we ought to keep that very much in mind. I think we ought to remember that there was a time in this country when there was no such thing at all as public education. It was the religious denominations, in fact, who brought education to America and established it. For a hundred years, it was the denominations of this country which fostered education in America. Now, in a time when there is intense competition, our denominational schools are being forced out of existence. It seems to me that the situation is a little like that of a

STATE PUBLISHING CO. HELENA, MONT.

man who divorces his wife after she has lost her attractiveness and appeal to him.

CHAIRMAN GRAYBILL: Mr. James.

DELEGATE JAMES: Mr. Chairman. Will Mr. Loendorf yield?

CHAIRMAN GRAYBILL: Mr. Loendorf.

DELEGATE LOENDORF: I yield.

DELEGATE JAMES: Mr. Loendorf. The next to the last line of your amendment here says, to the state. Can funds be distributed to nonpublic education without going through the state? Is that possible?

DELEGATE LOENDORF: Very possible. As I pointed out, Mr. James, we don't know how this will be done by the federal government. Now I do understand, although I'm sure the educators know this better than I, that they usually distribute them through the state.

DELEGATE JAMES: Mr. Loendorf, will you yield again?

DELEGATE LOENDORF: Yes, I yield, Mr. James.

DELEGATE JAMES: Do you think this would be more palatable to some who have objections, if this through the state was deleted? Or, do you suppose it would be as effective? I mean this is just one of those "ify" questions.

DELEGATE LOENDORF: I don't think whether those words are in or out really makes any difference in the meaning of the section. There's perhaps no problem with the

STATE PUBLISHING CO. HELENA, MONT.

federal government, and there wouldn't be, if they distributed them directly. It seems to me that you would need the words to the state in there to show that you're covering cases where the funds are funneled through the state to the schools.

CHAIRMAN GRAYBILL: Mr. James.

DELEGATE JAMES: Mr. Loendorf, the purpose of my comment was, I was wondering if taking out, to the state, would make it more palatable and remove some of the emotion.

DELEGATE LOENDORF: Well --

DELEGATE JAMES: Without emasculating the thing.

DELEGATE LOENDORF: I guess I'm not a very emotional person. I don't see any emotion in, to the state.

CHAIRMAN GRAYBILL: Mr. McNeil.

DELEGATE McNEIL: Mr. Chairman. I rise in opposition to the Loendorf amendment, in opposition to the minority report and in support of the majority report as written. For the record, I'll state my personal interest in this matter. I am a Mason and a product of the public school system of the state of Montana in the city of Anaconda. However, I am happily married to a charming woman, Joanne. We've been happily married for fourteen years. I'm raising my son and daughter as catholics and even the pope will admit, that's pretty open-minded for a bagdad shriner. (Laughter) However, I am speaking to you today not as a Mason or a protestant, but as one who is dedicated to preserving our public

STATE PUBLISHING CO. HELENA, MONT. 3

school system. That's what this issue is all about. I don't think we ought to dilute that in any way. We ought not to open the door to anyone. We have the finest public school system open to all that has ever been devised by any society. I glanced at the Helena telephone directory in the yellow pages and found over forty listings under the heading of churches. We're not just talking about some tax money to the parochial or catholic schools. If we open the door to any of them, they all will be equally entitled to tax money. Speaking specifically to the two amendments, the Loendorf amendment and the minority report, it absolutely escapes me the distinction between state and federal monies. For Reverend Harbaugh's information, I don't know whether you think this federal money comes from the collection plate on Sunday. It comes out of my pocket as a taxpayer. It is fundamentally wrong to take any tax money, and this applies to all federal money, and apply it to any church purpose. So, I think that both of these amendments really could open the door to a violation of our public school system. I strongly urge that we maintain the majority report as written. I would not want to see the state of Montana to constitutionally say that we can take tax money, run it through the hallowed walls of congress and then it's all right to give it to a church school. But, we won't take it from our taxpayers and run it through this house right here and give it back to the church school.

STATE PUBLISHING CO. HELENA, MONT.

I strongly urge that we support the majority report.

CHAIRMAN GRAYBILL: Mr. Conover.

DELEGATE CONOVER: In all our testimony, as Mr. Harbaugh told you, we had three different church denominations that spoke before us who are very, very opposed to any public -- or any federal money -- being allocated to any of their churches or schools. They wanted to preserve the article the same as written. To tell you specifics of one, the Seventh Day Adventist schools -- He talked to us and he pointed out very strongly that if any of this money is ever distributed to any private school, then the federal government or the state will take over part of their church work. They specifically told us that they wanted no aid from no taxes or any allocation of any kind. He pointed out that if we cannot support our private schools, then it's our fault. We are the ones that are running it and we don't want nobody to interfere with us. We teach our religion and we want it this way. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Barnard.

DELEGATE BARNARD: Mr. President. I rise in support of the majority report. I, too, am a taxpayer of the federal government and I don't want any of my tax money going into my church and my church doesn't want it and I think that both of these amendments start the opening of the door to the use of, not only federal money, but the possibility in the very

STATE PUBLISHING CO. HELENA, MONT.

near future of state money, for the use of private and parochial schools.

CHAIRMAN GRAYBILL: Mr. Artz.

DELEGATE ARTZ: I belong to the Holy Family Parish in Great Falls. I am the financial adviser commissioner for the parish, so I do have a little prejudice. I don't think I'm emotional because we're talking about money. Money is not a very emotional thing. (Laughter) I would like to go much farther, of course, than either of the amendments go but I am a practical person. I realize it would be impossible. To show you what some of the other ideas are and to give Father Gorman, my parish priest, full credit, I think I should read a little of his work into the record. Just one paragraph taken from his release of February 3, 1972 entitled parish goals and objectives in education. Quote, We cannot speak of the state as independent of the people who make it up, so we should not merely grant each other freedom of religion, but actually facilitate the teaching of religion. At the present time in history, we can only hope that those who demand freedom for themselves, will also grant it to others, for it is only those who silence their conscience who agree that justice is being served at the present time when only nonreligious schools receive taxes levied on all people for education, end quote. You all got this booklet the other day put out by the task force on economic growth

STATE PUBLISHING CO. HELENA, MONT.

and opportunity. The task force was made up of one hundred corporation presidents. Briefly, they bring up one other point and I quote. In brief, we recommend that the government consider continuing to finance education for all children, but that it offer them, as an alternative to public education, financial support for private education up to the amount of the average expenditure per pupil in local public schools. Now, they are basically concerned with just one educational setup. There is nothing to compare it with. Quoting, where market discipline, the knowledge that if the job is not done as well as it can be, someone else who can do it better will get to do it, is absent both complacently and timidity develops. Finally, on one other little issue, I have a letter here signed by Reverend Charles Gorman and Sister Mary Kevin who is the principal of Holy Family School. To whom it may concern: As of now, Holy Family School has eighteen students in attendance from Malmstrom Air Force Base in Great Falls. To date, the school has not received federal funding of any kind for these students, end quote. We do receive in the city of Great Falls, federal impact funds to take care of the cost of educating those children who come into Malmstrom and other federal projects. According to the report in the back of the article we're working on, there are two thousand fifty-seven private school children in Great Falls. We are saving the taxpayers of Cascade

STATE PUBLISHING CO. HELENA, MONT.

County one million three hundred sixty-four thousand eighty-one dollars. That averages out -- I didn't have my calculator, but reasonably close to six hundred fifty-eight dollars and seventy-six cents. Multiplying that by the eighteen students, Holy Family is saving Cascade County approximately twelve thousand dollars on those eighteen students. Therefore, I think in all fairness, we should be at least entitled to a few federal funds if we can get them. Thank you very much.

CHAIRMAN GRAYBILL: Mr. Lorello.

DELEGATE LORELLO: Mr. Chairman. I'm a catholic and a taxpayer and if I were to try to convince everybody in this hall that I knew everything about this education article, I think I'd be less than truthful. I've asked some educators who can't even explain the foundation program to me, and I really don't understand it myself, but I have a little problem in that I have two children going to school several blocks away from one another. When they go to get on the school bus in the morning, the one that goes to the private school can't get on the bus, but the other one can. Now, really our problem in Anaconda isn't that great because we have a very nice individual, Mr. Sonny Gore, who owns buses and he insists that they all can ride as long as he owns them. Now, I can't understand why both the children can't ride the buses. I hope you'll support Mr. Loendorf.

CHAIRMAN GRAYBILL: Mr. Woodmansey.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE WOODMANSEY: I would rise to resist the Loendorf amendment and also the minority report. I think probably the best example that we've seen here of the double standard that I think we have here is that in our present constitution, we do not allow any state funds to go to the private sector. If our money goes to Washington and comes back, that's okay. I believe that it was the intention of those who first set up this constitution that there should be separation of church and state. Our public schools are free to anyone who wishes to go. In many cases taking over those students from the private schools will not increase the cost to the taxpayer that much. As we see at the present time, especially in the lower grades, the enrollments are going down. This does not necessarily mean a new building or necessarily a fantastic amount of new teachers. It may in some ways. I'll be glad to pay it. I want this separation of church and state and I shall fight for it through our constitution. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Choate.

DELEGATE CHOATE: Mr. Chairman. I rise first to request that my presence be noted so that I can vote because I do want to support the Loendorf amendment. We live about a half a block away from a good public school in Miles City.

CHAIRMAN GRAYBILL: The journal may so show, Mr. Choate.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE CHOATE: Thank you. We live about a half a block from a good public school in Miles City. I am a protestant. We have two children in school. The catholic school, the Sacred Heart School, is clear across town. They don't have any bus service going there and so we, necessarily, have to get them there ourselves. I drive them or one of us does. We have both children in the Sacred Heart School. Now, either it's because we're kind of stupid or else it's a pretty good quality school. I feel there is a good deal of merit to it and I feel they are entitled to some assistance federally. I will support Jerry's amendment. Thank you.

CHAIRMAN GRAYBILL: Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. President. Will Mr. McNeil yield to a question?

CHAIRMAN GRAYBILL: Mr. McNeil.

DELEGATE McNEIL: I yield.

DELEGATE BLAYLOCK: Mr. McNeil. There can be no quarrel that tax money is tax money, whether it's state or federal. You're right. On the other hand, is it your position that if the federal government were to give funds as this last sentence says, provided to the state for the expressed purpose of distribution to nonpublic education, that you would want the state of Montana bound so that it could not accept those funds even though say Wyoming and Idaho and Minnesota could?

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE McNEIL: Mr. Blaylock. If the federal government makes our tax money available for education, I want it to go to our public school system and not be divided among forty different school systems.

CHAIRMAN GRAYBILL: Is there any further debate?

Mr. Noble.

DELEGATE NOBLE: Mr. Chairman. I rise in support of the majority report.

CHAIRMAN GRAYBILL: Mr. Skari.

DELEGATE SKARI: Mr. President, fellow delegates. I think this discussion here today reminds me of the poem I'm sure most of you are familiar with. It's the "Mending Wall" by Robert Frost wherein he describes the repairing of a fence on a farm in New England in the spring. I guess it's an annual chore there to repair these rock fences that they have between the farms. Frost and his neighbor go out to share the job of putting up the stones on each side of the wall and replacing them. Frost has mentioned several times that he writes his poems about New England but not necessarily just for New England. He talks about the fences that society builds. He also asks the question when we build a wall we have to take into account what we're walling in and what we are walling out. I think here we have to consider this too. I think we have built a substantial, solid wall in our old constitution. I think that this wall is good and proper. I

STATE PUBLISHING CO. HELENA, MONT.

don't think we could remove it if we wanted to. For this reason, I support the Loendorf amendment. I don't think we should, intentionally, build the same wall in regard to the federal monies. I think the states have rights here. I think they can be more stringent, but I think perhaps we would be a little unfair by building the same wall. I don't think this will undermine our public school system. I think it may even strengthen it. Financially, the private schools take some strain off our state system. Many other states will provide no obstacles to these federal funds and I fail to see that we should either. Frost's farmer friend also mentioned that good fences make good neighbors. I think he was partly right here. It's a very earthy point. I think maybe he was partially right, but I think we have to take into account what we're walling in and what we're walling out. Thank you, Mr. President.

CHAIRMAN GRAYBILL: Mr. Studer.

DELEGATE STUDER: Mr. President. Would Mr. McNeil yield to a question?

DELEGATE McNEIL: I yield.

DELEGATE STUDER: What I wanted to find out, Mr. McNeil, is whether or not loans which are granted, would be forbidden under your thinking? I mean, would you be against granting loans to students for education in which some of the money is used in secular schools?

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE McNEIL: Of course not and our present constitutional provision, which is the majority report, does not foreclose that either.

DELEGATE STUDER: I was wondering if it did. That's my question.

DELEGATE McNEIL: No, it does not.

CHAIRMAN GRAYBILL: Mr. Harrington.

DELEGATE HARRINGTON: Mr. Chairman, fellow delegates. When we first came here in January, I introduced a delegate proposal which stated that the state of Montana should use the First Amendment as the basis to replace this section. Now I find that this First Amendment would not be strong enough and I do support Mr. Loendorf's amendment as I was part of the minority with Mr. Harbaugh. I feel that possibly as we look at this, many times we've gone -- it's come up on this floor the number of times signatures have come up on petitions stating whether they would or would not support a certain item. Now, as part of this, I think actually all you're doing here is guaranteeing in a way, something that these parochial schools receive right now. Should we go to this revenue sharing? We are not keeping this money away from the state. I do say that to go along with this minority proposal and with Mr. Loendorf's amendment, that we will make many friends of the constitution and I hope that we do. Thank you, Mr. Chairman.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Mr. Berthelson.

DELEGATE BERTHELSON: Mr. Chairman, fellow delegates. I rise to resist both of these amendments and to ask this body to support the majority proposal. I don't need to tell anyone in this group of one hundred people to what denomination I belong nor to how the denomination I belong to feels about the matter of education. I urge each of you delegates to think what has gone on here this morning. Think about it. Consider it and let's vote for the majority proposal. Thank you.

CHAIRMAN GRAYBILL: Mr. Conover.

DELEGATE CONOVER: In answer to Mr. Studer's question on loans to students. I went to the bank in the city of Billings when I was down there to investigate this very question because I figured it would come up. The banks today will loan any student to go to any school, private or nonprivate, in the state of Montana. All the application they need is from the school which they are going to attend. If they have the requirements, the bank asks no questions and gives them the loan. They pay every quarter for their tuition, their books and their room and board. If the student's parents make under fifteen thousand dollars a year, the government will absorb half of the interest. If their income is over fifteen thousand dollars, the student absorbs all of the interest. Thank you, Mr. Chairman.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Mr. Studer.

DELEGATE STUDER: Would Mr. Conover yield to a question?

CHAIRMAN GRAYBILL: Mr. Conover.

DELEGATE CONOVER: Yes, I will.

DELEGATE STUDER: Mr. Conover. You were getting just about to what I wanted. I was talking about public funds. The government has granted funds to be loaned to students. They are being loaned in places like Texas where their constitution does not forbid it. What I really wanted to know is direct grants from the federal government to be put out as loans to students going to the College of Great Falls or Rocky Mountain College?

DELEGATE CONOVER: That's right, Ralph.

DELEGATE STUDER: Okay, that's what I wanted to know.

CHAIRMAN GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: Mr. Chairman. May I ask Mr. Loendorf a question?

CHAIRMAN GRAYBILL: Mr. Loendorf.

DELEGATE LOENDORF: I yield.

DELEGATE ROMNEY: Mr. Loendorf. In the last sentence of your amendment, it says from federal sources provided to the state. Now, if the state distributes federal funds directly to nonpublic schools, there's no need for this amendment, is there?

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE LOENDORF: Neither the state nor the federal government now can distribute funds directly to nonpublic schools.

DELEGATE ROMNEY: Mr. Chairman. May I ask a second question?

CHAIRMAN GRAYBILL: Yes, Mr. Romney.

DELEGATE ROMNEY: That being the case, you a little while ago, eluded to the fact that the situation now is all right, but we can't look into the future to see what's going to transpire then about the matters you were discussing. We can't look into the future to see why not the federal government might not deal directly in the future either, right?

DELEGATE LOENDORF: I can't hear him, Mr. Chairman.

DELEGATE ROMNEY: A little while ago, you spoke about not being able to look into the future to see what might transpire then.

DELEGATE LOENDORF: That's right.

DELEGATE ROMNEY: Neither can you look into the future now and know for certain that the federal government will not deal directly in the future.

DELEGATE LOENDORF: No, that's the whole point. We don't know what's going to happen in the future.

DELEGATE ROMNEY: So, if the federal government should deal directly in the future, your amendment would be unnecessary.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE LOENDORF: That's right. It would be meaningless, harmless and of no effect even. It's just there to provide for cases where the federal government chooses to deal through the state as it has in the past. No funds, no matter where they come from, either the state or the federal government, under either constitutional provisions, the present state provision or the federal provision, could be given by the federal government or by the state to private schools, as I interpret it.

(Committee of the Whole chairmanship assumed by Mr. Etchart.)

CHAIRMAN ETCHART: Mr. Scanlin.

DELEGATE SCANLIN: Mr. Chairman. It seems to me in listening to this debate that we're confusing two issues, the elementary-secondary and higher education. There is no way that we here today can blanket both issues. I think the chances are best for the future to stay with the majority report. Consequently, I would reject any amendments. Thank you, Mr. Chairman.

CHAIRMAN ETCHART: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman. I'd like to call Mr. Romney's attention to the paragraph on page forty-seven of the Education Article. You'll find in the indentation there a quotation from a recent study by the National Education and Finance project. This is a part of the recent national

STATE PUBLISHING CO. HELENA, MONT.

study that has just been made. This is in regard to whether or not federal funds would go to the state or how they would be applied. It says, whatever federal grants are made in the days ahead, they should not bypass state government. Instead, federal grants for public schools should be made to a state educational agency for allocation to local schools in accordance with state plans. I heartily agree with that. I don't think we want to get into a situation where we bypass the state. This is part of the concern of our amendment.

DELEGATE ROMNEY: Mr. Chairman.

CHAIRMAN ETCHART: Mr. Romney.

DELEGATE ROMNEY: (Inaudible -- speaker not turned on.)

DELEGATE HARBAUGH: No, that's just in response to the question you asked.

DELEGATE ROMNEY: That's a matter of opinion.

CHAIRMAN ETCHART: Mrs. Bowman.

DELEGATE BOWMAN: Mr. Chairman. I'd like to ask a question about WICHE funds and I thought maybe Mr. Champoux could answer it. Maybe someone else can answer it. The way our constitution is worded now, could WICHE funds ever be given to students, say going to Rocky Mountain College or Carroll College here in this state?

CHAIRMAN ETCHART: Mr. Champoux, do you yield?

DELEGATE CHAMPOUX: No.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN ETCHART: Would anyone care to answer that? Mr. Conover.

DELEGATE CONOVER: Yes, it can and it is being done now with the banks in Billings. This money comes from the federal government and Rocky Mountain College just has to send a requisition or fill out a form to any of the banks. Any one of these students to any private school can get four years of college education.

DELEGATE BOWMAN: My understanding of WICHE money is that it's only state money appropriated by our state legislature and matched by the college. We don't get federal money --

DELEGATE CONOVER: I couldn't answer you about state money.

DELEGATE BOWMAN: That's what I wanted to know. Mr. Burkhardt, do you know?

CHAIRMAN ETCHART: Mr. Burkhardt.

DELEGATE BURKHARDT: I'm sorry, Mrs. Bowman. I'm not able to discuss that. I'm aware of individual cases where people who are going to a medical school or a veterinarian school, with no regard to what institution they are now in, applied for these things. However, I don't have the facts in front of me.

DELEGATE BOWMAN: Thank you.

CHAIRMAN ETCHART: Mr. Martin.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE MARTIN: Mr. Chairman. I think what Jean is talking about is the Western Interstate Commission on Higher Education. The money that the state appropriates goes into a fund and can only be used to designated schools. I think in Montana, as I recall, forestry and some other schools can come but at present, no Rocky Mountain or Carroll or the College of Great Falls would be eligible or students attending those institutions would not be eligible for those funds.

CHAIRMAN ETCHART: Mr. Romney.

DELEGATE ROMNEY: WICHE is an organization of several states which provide and is funded by the legislatures of the various states. It provides for education for students in Montana, for example, for students who can go to institutions of higher education where we have in our state no educational colleges for that purpose, such as medicine, veterinary and several others. The states -- I think it's Montana, Idaho - there's six or seven of them -- and they're funded and Montana appropriates a proportionate share.

CHAIRMAN ETCHART: Mr. Champoux.

DELEGATE CHAMPOUX: I'm sorry I was out of the room. I was getting a copy of a document. Essentially, Mr. Romney is correct. If the funds go to the school -- it can go directly to the school -- and there are many instances of this in the state of Montana. If it goes through the state, it cannot go to the schools. Thank you.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN ETCHART: Mr. Harper.

DELEGATE HARPER: Mr. Chairman. I want to stir a little bit deeper here. Before I do, let me make this observation just for the record. As a churchman, there is a real principle we're talking about here. As of right now, at this moment, at this time in our history it's not very large; it doesn't loom large here. The basic principle I'd like to iterate is this. It's very difficult for a church, supported by a state, to be critical of the state as I think a church should. We see evidence of this in Italy. We saw evidence of this in Germany and all across history. That's why I say this is no little thing, this matter of keeping separation of church and state. I don't mean to take that blanket principle and apply it to every specific little detail that has been mentioned here. I'd like to -- when I said I want to stir a little bit deeper, I would like to ask the Education Committee, then those on the minority and then Mr. Loendorf what I think is a basic question. Why, in none of these reports, is any mention of private schools made? I have sat here and I have looked through the entire education report. In the very first instance, in section one, subsection two, we passed this: The legislature shall provide for a system of quality, free public elementary and secondary schools. Now, listen to this. The legislature also may provide for other educational institutions, public libraries and educational

STATE PUBLISHING CO. HELENA, MONT.

programs as are deemed desirable. Now that covers a lot of territory. When we get to section six, we restrict this. We say they may do this. They may get up other educational programs. They support other educational institutions, but they cannot directly or indirectly, support any church or sect in any kind of educational enterprise. Now, this is my question for information. Where, in this entire document, is there a prohibition of the state's sponsoring or giving money to aid private education? I spoke a moment ago from the viewpoint of a churchman. Let me speak now from the viewpoint of a man who comes from Alabama originally where the big subversion of public school monies was not to church, but to so-called private institutions in order to beat the issue of segregation and nondiscrimination. Do we have any kind of protection or do you think any kind of protection of that sort is needed in our new constitution? Mr. Champoux, would you like to start on that?

CHAIRMAN ETCHART: Mr. Champoux.

DELEGATE CHAMPOUX: I believe if you remember back in the legislative article, in section six, if you read that it specifically says that there will be no monies given to private corporations, etc. It's in there.

CHAIRMAN ETCHART: Mr. Kamhoot.

DELEGATE KAMHOOT: Mr. Chairman. I had hoped that this issue might not be a very emotional one up here and I

STATE PUBLISHING CO. HELENA, MONT.

don't think it needs to be. I certainly agree with McNeil back here with his thinking. I, too, pay federal taxes but we do have to be practical. Life is a system of compromises. The federal aid is coming in now and it just seems to me that the way to get off center here and move this convention on, perhaps not stand here and argue about it all day long and raise a lot of tempers, would be to accept Delegate Loendorf's amendment. I would support that and get on with the convention. Thank you, Mr. Chairman.

CHAIRMAN ETCHART: Mr. Johnson.

DELEGATE JOHNSON: Mr. Chairman. When this committee gets ready to vote, I ask for a roll call.

CHAIRMAN ETCHART: Mr. Kelleher.

DELEGATE KELLEHER: Mr. Chairman. Would Mr. Harbaugh yield to a question?

CHAIRMAN ETCHART: Will you yield?

DELEGATE HARBAUGH: Yes.

DELEGATE KELLEHER: Gene, this is a legal question but maybe you've looked into it. If Carroll College or the College of Great Falls were ruled by a lay board of trustees, as many institutions throughout the United States are now, and if legal and equitable title to the property were transferred from the bishop who normally owns property like that as a corporation sole, to a private corporation, could then the legislature grant state aid to Carroll College? I'm not

STATE PUBLISHING CO. HELENA, MONT.

talking about federal funds. I'm just talking about state taxes.

DELEGATE HARBAUGH: I'd have to defer to Mr. Loendorf. We're on his amendment here.

CHAIRMAN ETCHART: Mr. Loendorf.

DELEGATE LOENDORF: First of all, Bob, I think those schools probably are operated that way but I don't know. I'm not that familiar with them. Secondly, the ownership of the property would have nothing to do with it. A public school can lease its institutions from a religion and operate them if they want to. I don't think that has anything to do with what we're discussing, does it? I don't see your point. I don't think the legislature -- whatever it can do as far as state funds are concerned, we're not changing by this amendment. If it can do it now, it can do it; if it can't do it now, which I assume it cannot, it cannot.

DELEGATE KELLEHER: So, your amendment is limited then strictly to federal tax money -- would allow the use of federal tax money.

DELEGATE LOENDORF: It's completely and solely limited to that.

DELEGATE KELLEHER: And that's your intention?

DELEGATE LOENDORF: Right.

DELEGATE KELLEHER: All right, fine; you've answered two questions. Now, while you're still up, I'd like to ask

STATE PUBLISHING CO. HELENA, MONT.

you another question.

CHAIRMAN ETCHART: Mr. Loendorf, do you yield?

DELEGATE LOENDORF: I yield.

DELEGATE KELLEHER: Is federal educational aid ever contingent, like OEO, legal funds, the highway funds and other monies, upon a small percentage of state participation? If educational aid from the federal government was contingent even upon a one percent state participation, would your amendment authorize that?

DELEGATE LOENDORF: My amendment wouldn't authorize the state to participate with any funds. If the federal government chooses to enact a program under the present provision or under my amendment, the result will be the same. I don't know what it'll be.

DELEGATE KELLEHER: Thank you.

CHAIRMAN ETCHART: Mr. Kelleher.

DELEGATE KELLEHER: As I understand the most recent decisions of the supreme court -- In fact, just this past summer, a state legislature may appropriate aid to an institution of higher learning above the secondary level, so that really is a moot point for grade schools and high schools. The comment was made that the New York Constitution was killed because it did not contain such a provision as the so-called Blain Amendment. I submit that the New York Constitution actually contained a directive to the legislature. If the

STATE PUBLISHING CO. HELENA, MONT.

New York Constitution had merely contained the First Amendment, that would have been one thing, but it actually contained the following directive and I'm reading from page thirty, Article Nine of their education article. Section One B, sub one: The legislature shall establish and define a system of higher education for all the people of the state encompassing both public and nonpublic institutions by programs which may include free tuition grants, fellowships, scholarships. As I understand it, and it's only hearsay, the catholic hierarchy in the state of New York was responsible for urging this through and obtaining its passage at the New York Constitutional Convention. I'm a diaper catholic with six children. None of my children go to a parochial school. I am almost a half century old and in that time, I think I've heard every argument either sensible or nonsensible on this subject. I'm a strong believer in the First Amendment to the Federal Constitution. Regardless of what we do, we always have the protections of the First Amendment of the Federal Constitution. I think that in 1972, it is time to bury some of our old prejudices and our fears, particularly our fears. I dislike the word bigotry because what is bigotry for me may be a very logical reason to another man. I went to parochial schools when I was a young boy. In fact, I spent nine years in a Carmelite Monastery. I've been in state institutions and I do not like to see the private school,

STATE PUBLISHING CO. HELENA, MONT.

whether it's sectarian or nonsectarian, disappear because I think it is a valuable norm or cannon against which state-owned institutions can guide themselves and determine whether they are keeping up with the times in the best possible methods of educational science. Therefore, Mr. Chairman, I'm going to move, if it's in order. I believe there are two amendments up there.

CHAIRMAN ETCHART: Right.

DELEGATE KELLEHER: Perhaps I better ask the Chair first whether a substitute amendment is in order at this time. I believe you have two amendments now.

CHAIRMAN ETCHART: We're on a substitute amendment by Mr. Loendorf.

DELEGATE KELLEHER: Is a substitute to Mr. Loendorf's amendment in order? That's my question.

CHAIRMAN ETCHART: No, sir. An amendment to his substitute amendment would be in order.

DELEGATE KELLEHER: Could I have just a moment to inquire of counsel? (Laughter) I'm not in order to make the specific motion that I want to make at this time. Thank you, Mr. Chairman.

CHAIRMAN ETCHART: Mr. Arness.

DELEGATE ARNESS: Will Mr. Harbaugh yield?

CHAIRMAN ETCHART: Do you yield, Mr. Harbaugh?

DELEGATE HARBAUGH: Yes.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE ARNESS: Is it my understanding now that the minority of the committee has acceded to the substitute motion which has been proposed by Loendorf and that you're supporting that?

DELEGATE HARBAUGH: I will support the amendment. I think that basically it doesn't change the intent of what we're trying to accomplish.

DELEGATE ARNESS: Thank you, Mr. Chairman.

CHAIRMAN ETCHART: Mr. Aronow.

DELEGATE ARONOW: Will Mr. Loendorf yield to a question?

CHAIRMAN ETCHART: Will Mr. Loendorf yield?

DELEGATE LOENDORF: I yield.

DELEGATE ARONOW: In looking at your amendment, Jerry, you say it shall not apply to funds from federal sources provided to the state for the express purpose of distribution to nonpublic education. Do you mean by that that the funds have to be earmarked by congress before the state can act as a conduit to transmit those funds from the state to nonpublic schools? In other words, the congress has to specifically earmark those funds and say X number of dollars to Rocky Mountain College or X number of dollars to the College of Great Falls? In the absence of that kind of earmarking, the state cannot act as a conduit?

DELEGATE LOENDORF: Right, that's exactly what we

STATE PUBLISHING CO. HELENA, MONT.

mean, I think. In other words, a grant comes from the federal government and says expressly in it that it's to be used for these purposes, then the section above applies. They might not earmark particular funds. I don't think they will earmark funds for at least elementary and secondary schools. I don't think they can. What they might do, and I think they do something similar to this now, is say, okay purchase a certain amount of textbooks or these funds are for the purpose of textbooks to be distributed to the pupils attending state approved schools of the state, whether they be public or private.

DELEGATE ARONOW: Would you yield to another question?

DELEGATE LOENDORF: Surely.

DELEGATE ARONOW: If monies come to the state of Montana under an assumed revenue sharing type of deal that may be evolved in the future and those funds are not earmarked but they're X number of dollars to be used for education in Montana. Is it your opinion, under this amendment, that the state could then say that X number of dollars might go to nonpublic schools?

DELEGATE LOENDORF: No, I do not believe the state could unless they can get around the first sentence of section six which is Article Eleven, section eight.

DELEGATE ARONOW: Thank you, Mr. Loendorf.

CHAIRMAN ETCHART: Mr. Mahoney.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE MAHONEY: Would Mr. Loendorf or Mr. Harbaugh, Mr. Loendorf would be fine.

CHAIRMAN GRAYBILL: Mr. Loendorf, will you yield?

DELEGATE LOENDORF: I yield.

DELEGATE MAHONEY: Could this in any way dilute funds goint to the public schools? I'm thinking of trade schools and things like this that we may develop in the future?

DELEGATE LOENDORF: I doubt it. When the federal government enacts legislation creating a program for schools, they do it. The fact that we would not accept the funds unless they limit them to only public schools, I don't think it would make them change their minds. My experience in the other areas, for example, the legal service example I gave you. Legal services had a different type of operational setup than prescribed by the federal government. As I say, when the gentleman came from -- I don't remember whether it was Kansas City or Denver -- he just told us we had to operate the way they said or no money. That was it.

DELEGATE MAHONEY: Well, Mr. Chairman. All I'm worried about on this deal is that I can see a proliferation of private schools developing United States wide. This might be that we've only got so much money coming in here after we get into block grants. I think this is coming. I think there's no question about it. I think we're going to have the value added tax and this is where we're sending money

STATE PUBLISHING CO. HELENA, MONT.

back to the states under block grants. Now, I'm perturbed if these come and I think they will. I see chances of -- we've noticed it here as Delegate Harper said in the south. We could get to the point where we're going to have some private schools and especially in vo-technical education and some of these. If they have to divide it up on a student basis, we might could ruin our public vo-tech education. This, I think is coming and this is what is bothering me about that situation on this is not the parochial schools question because I think parochial schools are going out. I think we're going to find these people come in and we're seeing the start of a school out here. We're getting block grants. They're going to say this is so much going to the state. You've got six hundred and ninety-four thousand population and you get so many dollars. Then, if we have to hand it out over these and this is why I have to have a lot of clearance on that particular point.

CHAIRMAN ETCHART: Mr. Loendorf, do you wish to close?

DELEGATE LOENDORF: I'll close if no one else wishes to speak. I perhaps misled you, Charlie. Whatever we put in our state constitution will not have any effect on that. If the federal government wants to provide for block grants to private vo-technical schools, they can do it irregardless of what's in our constitution. I perhaps misled Mr. Lorello

STATE PUBLISHING CO. HELENA, MONT.

also. At least, I've had a lot of questions raised here that I think my amendment has no effect on. It will not allow Peter's kids to ride the bus and I hope I don't lose his support because of that. All this amendment does is maintain the status quo. It simply will allow federal tax dollars, which the federal government is going to take irregardless of what's in our constitution, to come back as they are now and it will insure that they come back in the future whatever type of program the federal government develops in the future. Thank you, Mr. Chairman.

CHAIRMAN ETCHART: Mr. Campbell.

DELEGATE CAMPBELL: Mr. Chairman. I tried to rise before Mr. Loendorf started to close on the thing. I would like to ask Mr. Loendorf a couple of questions if he would yield.

CHAIRMAN ETCHART: Mr. Campbell, Mr. Loendorf has closed. A roll call vote has been called for by Mr. Kelleher. Members of the committee, the question now arises on the motion by Mr. Loendorf to delete section six and substitute the wording as you have on your desks. As many as are in favor will vote Aye. As many as are opposed will vote No. Does any member wish to change his vote? If not, the clerk will record the vote.

DELEGATE FELT: I vote No.

CHAIRMAN ETCHART: Felt votes No.

STATE PUBLISHING CO. HELENA, MONT.

1	Aasheim	- Nay	Choate	- Aye
2	Anderson, J.	- Nay	Conover	- Nay
3	Anderson, O.	- Nay	Cross	- Aye
4	Arbanas	- Aye	Dahood	- Aye
5	Arness	- Aye	Davis	- Nay
6	Aronow	- Aye	Delaney	- Aye
7	Artz	- Aye	Driscoll	- Aye
8	Ask	- Nay	Drum	- Aye
9	Babcock	- Abs	Eck	- Aye
10	Barnard	- Nay	Erdmann	- Nay
11	Bates	- Nay	Eskildsen	- Nay
12	Belcher	- Nay	Etchart	- Aye
13	Berg	- Aye	Felt	- Nay
14	Berthelson	- Nay	Foster	- Abs
15	Blaylock	- Aye	Furlong	- Abs
16	Blend	- Nay	Garlington	- Aye
17	Bowman	- Aye	Graybill	- Abs
18	Brazier	- Nay	Gysler	- Aye
19	Brown	- Aye	Habedank	- Aye
20	Bugbee	- Aye	Hanson, R. S.	- Nay
21	Burkhardt	- Nay	Hanson, R.	- Nay
22	Cain	- Nay	Harbaugh	- Aye
23	Campbell	- Aye	Harlow	- Aye
24	Cate	- Aye	Harper	- Nay
25	Champoux	- Nay	Harrington	- Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

1	Heliker	-	Aye	Rebal	-	Nay
2	Holland	-	Aye	Reichert	-	Aye
3	Jacobsen	-	Aye	Robinson	-	Aye
4	James	-	Nay	Roeder	-	Abs
5	Johnson	-	Nay	Rollins	-	Nay
6	Joyce	-	Aye	Romney	-	Nay
7	Kamhoot	-	Aye	Rygg	-	Nay
8	Kelleher	-	Aye	Scanlin	-	Nay
9	Leuthold	-	Nay	Schiltz	-	Aye
10	Loendorf	-	Aye	Siderius	-	Aye
11	Lorello	-	Aye	Simon	-	Nay
12	Mahoney	-	Nay	Skari	-	Aye
13	Mansfield	-	Aye	Sparks	-	Aye
14	Martin	-	Aye	Speer	-	Aye
15	McCarvel	-	Aye	Studer	-	Abs
16	McDonough	-	Aye	Sullivan	-	Aye
17	McKeon	-	Aye	Swanberg	-	Aye
18	McNeil	-	Nay	Toole	-	Aye
19	Melvin	-	Nay	Van Buskirk	-	Aye
20	Monroe	-	Aye	Vermillion	-	Nay
21	Murray	-	Nay	Wagner	-	Nay
22	Noble	-	Nay	Ward	-	Aye
23	Nutting	-	Nay	Warden	-	Aye
24	Payne	-	Nay	Wilson	-	Aye
25	Pemberton	-	Abs	Woodmansey	-	Nay

STATE PUBLISHING CO. HELENA, MONT.

CLERK SMITH: Mr. Chairman, fifty-three have voted Aye; forty have voted No.

CHAIRMAN ETCHART: Fifty-three having voted Aye, forty having voted No, the motion is carried.

Mrs. Bates.

DELEGATE BATES: Mr. Chairman. I would like to say why I voted against the amendment was I was hoping that Mr. Campbell's amendment to the article, which I liked better, would be part of the article. I did not rise to my feet earlier because I was hoping he would submit his amendment and I wanted to explain my vote. Also, I noticed in back of the article where they listed the number of students, they missed the largest school in Gallatin valley which has three hundred seventy students at this time and is a private school. I'm very pleased this amendment was passed because I feel that these people are being loaded down with taxes for our public schools. I do support public schools. My children went to public schools, but I do feel that when they have an opportunity to receive some nonstate funds, they should and I want the record to show that I do favor that. Thank you.

CHAIRMAN ETCHART: Let the record so show. Are there any other amendments to section six?

Mr. Campbell.

DELEGATE CAMPBELL: Would Delegate Loendorf yield

STATE PUBLISHING CO. HELENA, MONT.

to a series of questions please?

CHAIRMAN ETCHART: Delegate Loendorf.

DELEGATE LOENDORF: I yield.

DELEGATE CAMPBELL: Delegate Loendorf, in comparing the last sentence which you have in your amendment which was adopted, to the proposed amendment I would make, did you consider whether or not there may be any nonfederal sources such as foundations or things like this that might go through the state?

DELEGATE LOENDORF: That is possible, Bob, and my amendment doesn't cover those.

DELEGATE CAMPBELL: What if the congress in its wisdom provided for a hot lunch program for the school children of Montana and gave it to the children of Montana for distribution through the state? Would the state, under your provision, be prevented from allowing nonpublic school children from receiving this hot lunch program?

DELEGATE LOENDORF: I believe the federal government has done that now for all school children.

DELEGATE CAMPBELL: Well, in that type of a thing where some other thing is similar to a lunch program, that a grant is made to the state but doesn't specifically say it's intended for nonpublic education, wouldn't your amendment still prevent that?

DELEGATE LOENDORF: If the grant coming to the state

STATE PUBLISHING CO. HELENA, MONT.

doesn't specifically say it's for nonpublic education, then my amendment would not allow nonpublic education to participate.

DELEGATE CAMPBELL: Mr. Chairman.

CHAIRMAN ETCHART: Mr. Campbell.

DELEGATE CAMPBELL: I feel that this would restrict the state and I would like to move that my amendment be read and considered at this time.

CHAIRMAN ETCHART: Will the clerk read Mr. Campbell's amendment?

CLERK HANSON: (Reading) Mr. Chairman. I move to amend section six, page five, line thirteen of the Education and Public Lands Majority Proposal by adding the following: Nothing herein shall prevent nonstate money from being distributed for the benefit of all students within the state of Montana. Signed, Campbell.

CHAIRMAN ETCHART: Mr. Campbell.

DELEGATE CAMPBELL: This would be an amendment to the section that we just passed that Mr. Loendorf had approved. If I may speak just a few minutes on this, I feel that we are still not really achieving our goal. I'd like to go into a little background. I was raised in a small eastern Montana town. It's a town that is isolated geographically and sometimes from ideas also. The town is very secure in that individuals are very secure in their absolute beliefs in their

STATE PUBLISHING CO. HELENA, MONT.

own faith. They have over the past, had a deep mistrust of others who didn't believe the way they did. In the past, this distrust has lessened with more enlightenment and we do have, today, social events between groups that were in the past deeply suspicious of each other in their motives. I was very disturbed over the reaction in this town when this question of support for nonpublic education arose. I felt this was again bringing up the religious tolerances that I thought were slowly diminishing in that area. I firmly believe, as does Delegate Kamhoot, that life is a series of compromises and I am deeply touched in the Bill of Rights Committee in the number of responses I have received from school children throughout the state. Many of them said to remove the Blain Amendment and please help me in my education and save my school. I was very touched by their handwriting. Many times, of course, they would say Dear Mr. Blain, please do something about the Blain Amendment. I feel that they do have a legitimate concern. In the Bill of Rights Committee, we did have the Montana Catholic Conference appear. Our questioning of that conference went to what reason they had for asking that this section be amended. They assured us that they did not intend to have the state of Montana funds diverted to nonpublic schools, to their schools. Their concern was in the future, there may be a grant to the state which doesn't say parochial or nonparochial schools and that

STATE PUBLISHING CO. HELENA, MONT.

this might prevent some type of program from uniformly being distributed within the state. I'm willing to take them at their word. I feel that by adding this amendment, we would take in the question of if there's any other nonfederal sources involved and also take care of the question of whether or not there's a specific direction from congress. I'm worried about this because a few states have this rigid requirement that we have against any nonpublic school or academy directly or nondirectly. I think this would still give us the protection we want. It would allow these funds to be distributed, such as a lunch program, and I feel it would be an addition which would give more flexibility than the present one that we have. Thank you, Mr. Chairman.

CHAIRMAN ETCHART: Mr. Conover.

DELEGATE CONOVER: Mr. Chairman. Bob is concerned about the free lunch program. Every private school in the state can have a school lunch program. This is for private and public schools. The commodities, flour, turkey, butter, etc., are commodities from the U. S. Department of Agriculture and are distributed free to both public and private schools. The Montana legislature, in 1947, authorized a revolving fund of twenty-five thousand dollars to have commodities freighted into the state. They are shipped to Helena from the nearest federal terminal. This fund is not tax supported except for the original year. Funds to keep the repayment to the

STATE PUBLISHING CO. HELENA, MONT.

fund by both public and private schools -- The shipping charges fluctuate but average a dollar and a half per shipping unit of food donated. Charges are pro-rated by the amount purchased. The cash is available equally to both public and private schools. After they are set up, you can charge for lunches. This is what supports your school lunch program regardless whether it's private or public. This is what maintains it. From the government on children who cannot afford to buy lunch tickets are reimbursed to whatever school it involves. They will pay the total price of that lunch for this child by making application for it. It's set up by the federal government and the state. It also says here that the public schools and private schools may participate throughout the state of Montana.

(Committee of the Whole chairmanship assumed by Mr. Graybill.)

CHAIRMAN GRAYBILL: Mrs. Bugbee.

DELEGATE BUGBEE: Mr. Chairman. May I ask Mr. Campbell a question?

CHAIRMAN GRAYBILL: Mr. Campbell.

DELEGATE CAMPBELL: Yes.

DELEGATE BUGBEE: Mr. Campbell, I'm confused. Do you intend to add your amendment to Mr. Loendorf's amendment or substitute it for his amendment?

DELEGATE CAMPBELL: I intend to substitute it for

STATE PUBLISHING CO. HELENA, MONT.

the last sentence of his amendment which we have just passed. I would replace: This section shall not apply to funds from federal sources provided to the state for the express purpose of distribution to nonpublic education. Mine would replace that and say: Nothing herein shall prevent nonstate money from being distributed for the benefit of all students within the state of Montana.

CHAIRMAN GRAYBILL: I think, Mrs. Bugbee, the Chair understands then that the effect would be if you pass the Campbell amendment, you'd have the original except the words indirectly are out. Mr. Loendorf's was a substitute motion so it took out the words, or indirectly, on line six of section seven. Right? Pardon?

Mr. Loendorf.

DELEGATE LOENDORF: Mr. Chairman. My amendment put the words, or indirectly, back in.

CHAIRMAN GRAYBILL: Oh, I guess you're right. Okay, you put, or indirectly, back in. That's right. So, it's just the same way it was with the extra sentence and now this is to replace that extra sentence. All right, excuse me. Now, I'm straight.

Mr. Burkhardt.

DELEGATE BURKHARDT: I'm not sure the Chair has it straight yet but you do have his amendment in front of you, do you?

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Yes sir, I do.

DELEGATE BURKHARDT: Fine. Then, it's there. It was enacted as he presented it. I have a question for the body and for Mr. Campbell. I'm wondering if the language of your substitute for Mr. Loendorf's language could be confused. For instance, if you have nonstate money in the form of local levies, what are you going to say about that? Are you saying those become available? What are you saying?

CHAIRMAN GRAYBILL: Mr. Campbell.

DELEGATE CAMPBELL: Mr. Chairman, Mr. Burkhardt. No, I'm certainly not saying that local levies would not be included. It would be my intent to have local monies construed as being state monies regardless of whether they're raised on the state or local level.

DELEGATE BURKHARDT: But, as the funds are administered, they're administered locally without going through a state source at the present time as I understand it.

DELEGATE CAMPBELL: That could be. Perhaps Mr. Champoux could better explain that than me.

DELEGATE BURKHARDT: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Burkhardt.

DELEGATE BURKHARDT: Having been the person who had the task of presenting the original majority position, I would speak to defeat Mr. Campbell's motion. It seems to me that what we have added here by Mr. Loendorf is a face saving

STATE PUBLISHING CO. HELENA, MONT.

thing for all of us. We left the directly or the indirectly in up above. We merely recognize in the last sentence the fact that this is now happening and we trust will happen in the future and that what he has done is something that we can live with and explain to our people. If we come in with this other one, it may be rather awkward in terms of what we mean by nonstate money.

CHAIRMAN GRAYBILL: Mr. Loendorf.

DELEGATE LOENDORF: I will support Mr. Burkhardt's position. I think, as usual, he has given very good reasons for it. It seems to me that Mr. Campbell's amendment does two things we perhaps do not want to do -- well, one at least. That would allow that the state could distribute monies to nonpublic schools even if not designated to them. I don't think we want it to do that. All we wanted to do in my amendment is to prevent federal money from coming into the state just because it happened to be designated in part for nonpublic schools.

CHAIRMAN GRAYBILL: Is there further debate on Mr. Campbell's motion to add in place of Mr. Loendorf's last sentence, his phrase?

Mrs. Bowman.

DELEGATE BOWMAN: Mr. Chairman. I didn't understand what Mr. Loendorf just said. I wonder if he would say it again please. (Laughter)

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Mr. Loendorf.

DELEGATE LOENDORF: The amendment that we added -- that has been added now, the amendment I proposed -- will allow federal monies to come into the state even if designated in part for nonpublic schools. It will not require the state, in any way, to -- Well, it will allow the state to go along with the federal restrictions on that money and accept it. Mr. Campbell's amendment will allow the state to accept the money from the federal government which it can do anyway, but it may allow the state to distribute money from the federal government which is not designated specifically for nonpublic schools to nonpublic schools, which was Mr. Aronow's concern.

CHAIRMAN GRAYBILL: Mrs. Reichert.

DELEGATE REICHERT: Mr. Chairman. I'd like to speak in opposition to Mr. Campbell's amendment. I feel that it is totally unnecessary. I'm a member of a committee in Great Falls where aid to children who are gifted -- This program completely circumvents our present constitutional provision because the money goes directly from the federal government to the school district. The children in Great Falls who attend parochial schools go to the public schools for this special educational program which proves that money coming in from the federal government, going to school districts is now being accepted. I really feel this amendment

STATE PUBLISHING CO. HELENA, MONT.

is completely unnecessary.

CHAIRMAN GRAYBILL: Mr. Barnard.

DELEGATE BARNARD: I'd like to rise in opposition to Mr. Campbell's proposed amendment. I think we're overlooking something here. The wording of this particular amendment could possibly include grants from federal forest service lands to the state of Montana for education and other purposes. It could include grants from the bureau of land management to the various counties. It could include flood plain land monies that come into the counties for school and road purposes and, apparently, it can include all of those things. I think we're getting into pretty dangerous territory here if we adopt this amendment.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. Campbell's motion to add the phrase, nothing herein shall prevent nonstate money from being distributed for the benefit of all students within the state of Montana, in place of the language we adopted in Mr. Loendorf's amendment.

Mr. Wilson.

DELEGATE WILSON: Could we have a roll call vote please?

CHAIRMAN GRAYBILL: Mr. Wilson, Mr. Campbell wants to close.

Mr. Campbell.

DELEGATE CAMPBELL: Fellow delegates. Rarely did

STATE PUBLISHING CO. HELENA, MONT.

everyone agree so unanimously on one of my proposals. (Laughter) I do feel that Montana being one of the few, and I've checked with Mr. Champoux, that has this provision in there, may very well be denied in the future some funds merely because we are saying that the congress should state explicitly that it must be made to nonpublic education. I would feel that it would be a great disservice to the state and I do not feel that Montana and the minority of states that are with it on this point, would be enough to change the mind of congress to make a provision simply for our benefit and because we put this provision in our constitution. I really feel that if federal sources are given to the state for distributions in a program similar to a hot lunch program for distribution to all the children in the state, I certainly think they should receive them. Winston Churchill once said that a community can make no finer investment than putting milk into babies. I don't think he meant just protestant babies or just catholic babies. As you know today, we receive funds through the federal government through our ADC program to help children. They don't say through those programs that if you give it to a catholic family, that you are entangling church and state. We all agree that there are certain things that young people need to be helped with and I feel that my amendment would allow the legislature to distribute these funds to all children based on need rather than

STATE PUBLISHING CO. HELENA, MONT.

on religious preference. Certainly if we denied funds like an ADC program to a family because it's catholic, or because it's protestant, would only leave one group open that could receive the funds, those of the family that had no religious preference at all. I don't think that's intended. My amendment would not open new areas. We would still have the protection for state of Montana funds from not being diverted and I feel that if the need ever arises in the future, we would have problems with the Loendorf sentence at the end. I would urge you to accept mine. Thank you.

CHAIRMAN GRAYBILL: Mr. Foster. Your presence is noted and you may vote.

DELEGATE FOSTER: Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Champoux. We're about to have a roll call vote.

DELEGATE CHAMPOUX: A point of order, Mr. President, for clarification if I may. May I?

CHAIRMAN GRAYBILL: You may state your point, yes.

DELEGATE CHAMPOUX: I don't want this assembly to get the impression that I agree with all of Mr. Campbell's statements. I only agree with the first sentence which says that seven other states have a Blain-type Amendment. Thank you.

CHAIRMAN GRAYBILL: All right. You shoehorned it in on me, Mr. Champoux. (Laughter) The issue is on Mr. Campbell's

STATE PUBLISHING CO. HELENA, MONT.

amendment to replace the language at the end of the Loendorf amendment with the language concerning nothing to prevent nonstate money being distributed to students within the state of Montana. We'll have a roll call vote. So many as shall be in favor, vote Aye. So many as shall be opposed, vote No. Has every delegate voted? Does any delegate wish to change his vote? Very well. Cast the ballot.

Aasheim	- Nay	Brown	- Nay
Anderson, J.	- Nay	Bugbee	- Nay
Anderson, O.	- Nay	Burkhardt	- Nay
Arbanas	- Nay	Cain	- Nay
Arness	- Aye	Campbell	- Aye
Aronow	- Nay	Cate	- Aye
Artz	- Aye	Champoux	- Nay
Ask	- Nay	Choate	- Abs
Babcock	- Abs	Conover	- Nay
Barnard	- Nay	Cross	- Nay
Bates	- Aye	Dahood	- Nay
Belcher	- Nay	Davis	- Nay
Berg	- Nay	Delaney	- Nay
Berthelson	- Nay	Driscoll	- Nay
Blaylock	- Nay	Drum	- Nay
Blend	- Nay	Eck	- Nay
Bowman	- Nay	Erdmann	- Nay
Brazier	- Nay	Eskildsen	- Nay

STATE PUBLISHING CO. HELENA, MONT.

Etchart	-	Nay	Mahoney	-	Nay
Felt	-	Abs	Mansfield	-	Nay
Foster	-	Aye	Martin	-	Nay
Furlong	-	Abs	McCarvel	-	Aye
Garlington	-	Nay	McDonough	-	Nay
Graybill	-	Nay	McKeon	-	Aye
Gysler	-	Nay	McNeil	-	Nay
Habedank	-	Nay	Melvin	-	Nay
Hanson, R. S.	-	Nay	Monroe	-	Aye
Hanson, R.	-	Nay	Murray	-	Nay
Harbaugh	-	Nay	Noble	-	Nay
Harlow	-	Nay	Nutting	-	Nay
Harper	-	Nay	Payne	-	Nay
Harrington	-	Aye	Pemberton	-	Nay
Heliker	-	Nay	Rebal	-	Nay
Holland	-	Abs	Reichert	-	Nay
Jacobsen	-	Nay	Robinson	-	Nay
James	-	Aye	Roeder	-	Abs
Johnson	-	Nay	Rollins	-	Nay
Joyce	-	Nay	Romney	-	Nay
Kamhoot	-	Nay	Rygg	-	Nay
Kelleher	-	Aye	Scanlin	-	Nay
Leuthold	-	Nay	Schiltz	-	Nay
Loendorf	-	Nay	Siderius	-	Nay
Lorello	-	Nay	Simon	-	Nay

STATE PUBLISHING CO. HELENA, MONT.

Skari	-	Nay	Van Buskirk	-	Aye
Sparks	-	Nay	Vermillion	-	Nay
Speer	-	Nay	Wagner	-	Nay
Studer	-	Abs	Ward	-	Nay
Sullivan	-	Nay	Warden	-	Nay
Swanberg	-	Abs	Wilson	-	Nay
Toole	-	Nay	Woodmansey	-	Nay

CLERK HANSON: Mr. Chairman, thirteen Delegates voting Aye, seventy-nine voting No.

CHAIRMAN GRAYBILL: Seventy-nine voting No and thirteen voting Aye, the motion is defeated. We are now back debating section six as amended by Mr. Loendorf. Are there further amendments? Is there further discussion? Are we ready to vote? Members of the body, you have before you on the recommendation of Mr. Burkhardt that when this committee does arise and report after having had under consideration section six, as amended, that we recommend the same be adopted. All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Ayes have it and it's adopted as amended. Will the clerk read section seven?

CLERK HANSON: (Reading) Section seven, Nondiscrimination in Education: No religious or partisan test or

STATE PUBLISHING CO. HELENA, MONT.

qualification shall ever be required of any person as a condition of admission into any public educational institution of the state, either as teacher or student, nor shall attendance be required at any religious service whatever, nor shall any sectarian tenets be taught in any public educational institution of the state; nor shall any person be debarred admission to any public institution of learning on account of sex, race, creed, religion or national origin. Mr. Chairman, section seven.

CHAIRMAN GRAYBILL: Mr. Noble.

DELEGATE NOBLE: Mr. Chairman. When the committee rises and reports after having this section under consideration, I move the adoption.

CHAIRMAN GRAYBILL: Very well. Is there any discussion of section seven?

DELEGATE NOBLE: I think it's self-explanatory. It is about like the old constitution with the addition of race, creed and religion or national origin. Other than that, it is the same as what we have.

CHAIRMAN GRAYBILL: Very well. With the addition of the words about religion and national origin, is there any discussion about this section?

Mr. Harlow.

DELEGATE HARLOW: Mr. Chairman. I merely rise for a bit of discussion and clarification in regard to this

STATE PUBLISHING CO. HELENA, MONT.

section referred to as the nondiscrimination section. It states that no qualification, along with the other words, shall be required to attend school. It has disturbed me over the years, particularly in the later years, that school boards will set up some arbitrary qualifications that a student must meet before they attend school. Quite a few years ago when the styles of ladies' dresses were coming higher, the Glasgow school board said that the girls could not come to school if they wore stylish dresses. Just lately, we had a case that has been brought clear to the courts, both in Hamilton and in Columbia Falls, in which the school board arbitrarily set up a requirement on how often you were supposed to get a haircut. The court upheld the student in Hamilton. He could not go to school because his hair was a little bit long, similarly applied to the students in Columbia Falls. Now, I would like to know if this word, qualification, in the constitution will prohibit such actions by school boards. If this word has been in here as it is said, then what right has the supreme court -- this didn't go to the supreme court; I think it may. -- but the local courts can state that school boards can set up qualifications before a student is allowed to come to school. I'm perfectly willing to accept the fact that maybe some qualifications as to health might debarr the student from coming to school, if it's a contageous disease or something along that particu-

STATE PUBLISHING CO. HELENA, MONT.

lar line. and he might want to come to school. I would like to get some opinions from the various judicial lines here if this word will restrict and make the school boards allow students to come to school where they are properly dressed and hair length and various other things.

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Mr. President. As a member of the majority on this, it's my understanding that that has been interpreted only as saying no religious or partisan test or qualification. I think it refers only to the religious or partisan test or qualification and doesn't go into these other matters in this constitution. I think that's the reason why that has not been a factor in determining these as near as I know, Mr. Harlow.

CHAIRMAN GRAYBILL: Mr. Brown.

VICE PRESIDENT BROWN: Mr. Chairman. I'll now move to delete section seven. Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Brown has made a motion to delete section seven in its entirety.

Mr. Brown.

VICE PRESIDENT BROWN: I'm not moving to delete this because I believe in discrimination in education. I want to make that clear. Section four of our Bill of Rights fully covers any discrimination in the exercise of any of your civil and political rights and covers race, color, sex,

STATE PUBLISHING CO. HELENA, MONT.

cultures, social and religious and political ideas. This is not in most educational articles in other constitutions. I feel it's surplus because it has been covered. Thank you, Mr. President.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: As chairman of the committee, I feel I have to say something about this. I hadn't considered that, Mr. Brown, even though I was the mover of that particular move in the Bill of Rights. We were concerned here about some problems first of all in terms of teachers that came up before the committee. Teachers in certain areas and, I believe, one of our committee members even made the point that he had experienced this where the community had been totally of one denomination regardless of what it had been. There had been discrimination in that community in terms of hiring. That was one of the conditions. The other one was if you'll notice at the end, we've added the original statement said -- had something concerning just sex in terms -- discrimination in terms of higher education on the basis of sex. We've extended it. Now, if you can satisfy us that this clause in the Bill of Rights does cover that, I would certainly be willing to accept it.

CHAIRMAN GRAYBILL: Mrs. Cain.

DELEGATE CAIN: The consideration of the rights of teachers in placement without regard to religion and other

STATE PUBLISHING CO. HELENA, MONT.

external personal choices, has come full cycle since I first began to teach. When I first began asking for teacher positions, there was a surplus of qualified teachers. There were more available than there were vacancies. A good opening was often obtained by political pull. Many application forms asked such questions as what is your church affiliation? Do you attend weekly? Would you be willing to teach a Sunday school class? Do you play cards? Do you smoke? Do you drink? Do you support a political party? Those days passed and we came into a period where there were more vacancies than there were qualified teachers,and I emphasize qualified. Now, we are again in a period like the late thirties when teachers are unable to find jobs. Could it not happen again?

CHAIRMAN GRAYBILL: Mrs. Robinson.

DELEGATE ROBINSON: Mr. President, will Mr. Champoux yield to a question?

DELEGATE CHAMPOUX: Reluctantly.

DELEGATE ROBINSON: Mr. Champoux. On this last section dealing with discrimination, I noticed that in the education proposed draft as compared with the Bill of Rights, you leave out political ideas, which was included in the Bill of Rights. Was that intentional?

DELEGATE CHAMPOUX: No Ma'am but we heard you had an amendment to put in there. We haven't seen it yet but we heard.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE ROBINSON: Well, if Mr. Brown's move to delete does not prevail, I'll offer such an amendment. Will you yield to one more question?

DELEGATE CHAMPOUX: I certainly will.

DELEGATE ROBINSON: The first section, as Mr. Davis indicated, has been interpreted to be religious or partisan test or qualification. I'm not sure exactly what a partisan test is. I think that maybe at a different time and in a different court, could that not be interpreted to mean that no test of any qualification could be required? That is, the university system would always be precluded from having entrance exams, for example.

DELEGATE CHAMPOUX: May I answer her?

CHAIRMAN GRAYBILL: Sure.

DELEGATE CHAMPOUX: In reference to your first question, a partisan test is usually interpreted as meaning belonging to one particular party for instance. These two lost words, test and qualification, are nouns as you well know with the adjective modifying religious and partisan. It has held up for the many years since the constitution has been in force, where it has never been subjected to the test of whether that means that there are no qualifications that apply. Where that is precedent, I would say that it has never been challenged to my knowledge on the basis of the argument you make. I think it would stand the test of time.

STATE PUBLISHING CO. HELENA, MONT.

In reference to Mr. Harlow's question -- May I mention that or not?

CHAIRMAN GRAYBILL: Mr. Champoux, you may have the floor.

DELEGATE CHAMPOUX: He brought up a good point and, Paul, I don't think that at this point our constitution covers that, personally. From the judges' opinions, apparently it doesn't and I think it's certainly a lack. If you look at -- There are two other things here though in reference to Mr. Brown's deletion movement, that would not be applicable to the Bill of Rights section as I see it. For instance, it says here, nor shall attendance be required in any religious service whatever. More important than that, it says nor shall any sectarian tenets be taught in any public educational institution of the state. Now, if we eliminate the entire section, we're going to be eliminating those two points too and I think you should consider that. Thank you.

CHAIRMAN GRAYBILL: Mrs. Robinson.

DELEGATE ROBINSON: Will Mr. Champoux yield to just one further question?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Yes, I yield.

DELEGATE ROBINSON: It was not clear to me from your answer whether or not your committee dealt with the question of whether or not the institutions of higher learning in

STATE PUBLISHING CO. HELENA, MONT.

Montana could or could not use LSAT's or any kind of a test for admission to the university.

DELEGATE CHAMPOUX: Well, Mrs. Robinson, I didn't grab that question to begin with or understand it. The answer is no, we haven't, we didn't. I know of no case that has come before the courts using this clause as a basis to support a test for entrance. It could perhaps.

CHAIRMAN GRAYBILL: Mr. Brown.

VICE PRESIDENT BROWN: Mr. Chairman. I'll briefly close. I think the questions have showed that we just keep adding things and we get more confusion. We do have religious studies in our institutions of higher learning. I know Missoula does and discrimination is completely covered by the Bill of Rights. I repeat that I see no reason to put more of this into the constitution. Thank you, Mr. President.

CHAIRMAN GRAYBILL: Very well. Apparently, we're ready to vote on Mr. Brown's issue of deleting section seven in its entirety.

Mr. Foster, do you want a roll call vote?

DELEGATE FOSTER: Please.

CHAIRMAN GRAYBILL: So many as shall be in favor of deleting section seven in its entirety, vote Aye on the voting machine. So many as shall be opposed, vote No. Has every delegate voted? Does any delegate wish to change his vote? Cast the ballot.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE HELIKER: Heliker votes no.

CHAIRMAN GRAYBILL: You may explain your vote, but you may not change it, Mr. Heliker.

Aasheim	- Nay	Campbell	- Nay
Anderson, J.	- Aye	Cate	- Aye
Anderson, O.	- Abs	Champoux	- Nay
Arbanas	- Nay	Choate	- Nay
Arness	- Aye	Conover	- Nay
Aronow	- Nay	Cross	- Nay
Artz	- Nay	Dahood	- Abs
Ask	- Aye	Davis	- Aye
Babcock	- Abs	Delaney	- Aye
Barnard	- Nay	Driscoll	- Aye
Bates	- Abs	Drum	- Aye
Belcher	- Aye	Eck	- Aye
Berg	- Nay	Erdmann	- Nay
Berthelson	- Nay	Eskildsen	- Nay
Blaylock	- Nay	Etchart	- Nay
Blend	- Nay	Felt	- Nay
Bowman	- Aye	Foster	- Aye
Brazier	- Nay	Furlong	- Abs
Brown	- Aye	Garlington	- Aye
Bugbee	- Aye	Graybill	- Nay
Burkhardt	- Nay	Gysler	- Nay
Cain	- Nay	Habedank	- Nay

STATE PUBLISHING CO. HELENA, MONT. 3

Hanson, R. S.	-	Nay	Monroe	-	Aye
Hanson, R.	-	Nay	Murray	-	Nay
Harbaugh	-	Nay	Noble	-	Nay
Harlow	-	Aye	Nutting	-	Nay
Harper	-	Nay	Payne	-	Nay
Harrington	-	Nay	Pemberton	-	Nay
Heliker	-	Abs	Rebal	-	Nay
Holland	-	Abs	Reichert	-	Nay
Jacobsen	-	Aye	Robinson	-	Nay
James	-	Nay	Roeder	-	Abs
Johnson	-	Aye	Rollins	-	Nay
Joyce	-	Aye	Romney	-	Nay
Kamhoot	-	Nay	Rygg	-	Nay
Kelleher	-	Aye	Scanlin	-	Aye
Leuthold	-	Nay	Schiltz	-	Aye
Loendorf	-	Aye	Siderius	-	Nay
Lorello	-	Abs	Simon	-	Nay
Mahoney	-	Aye	Skari	-	Nay
Mansfield	-	Aye	Sparks	-	Nay
Martin	-	Nay	Speer	-	Nay
McCarvel	-	Aye	Studer	-	Aye
McDonough	-	Aye	Sullivan	-	Nay
McKeon	-	Nay	Swanberg	-	Aye
McNeil	-	Aye	Toole	-	Nay
Melvin	-	Nay	Van Buskirk	-	Nay

STATE PUBLISHING CO. HELENA, MONT.

Vermillion	-	Nay	Warden	-	Abs
Wagner	-	Abs	Wilson	-	Aye
Ward	-	Aye	Woodmansey	-	Nay

CLERK HANSON: Mr. Chairman. Thirty-three Delegates have voted Aye; fifty-six have voted No.

CHAIRMAN GRAYBILL: Fifty-six having voted No and thirty-three Aye, the motion fails. Mr. Heliker, do you want the floor?

DELEGATE HELIKER: I got in a little late and I didn't vote. I want a No vote recorded.

CHAIRMAN GRAYBILL: You can show a No vote in the journal but you can't record one. Very well. We're discussing section seven. Is there other discussion? Mr. Harbaugh, I don't know whether you want this substitute motion mentioned or not.

DELEGATE HARBAUGH: I think, Mr. Chairman, that in light of the discussion, I'd like to move the amendment.

CHAIRMAN GRAYBILL: You want to move it?

DELEGATE HARBAUGH: Yes.

CHAIRMAN GRAYBILL: All right. I had twenty copies made because it's long and I think people may want to see it. Mr. Clerk, will you have a couple of those in each row so people have a chance to see it? Now, Mr. Harbaugh, would you care to read your amendment? Mr. Clerk, did you keep one? Will the clerk please read Mr. Harbaugh's proposed substitute

STATE PUBLISHING CO. HELENA, MONT.

amendment?

CLERK HANSON: (Reading) Substitute for section seven: Mr. Chairman. All public educational institutions in this state shall guarantee the integrity of the diverse political, religious, cultural and social sectors of a pluralistic society. No discrimination on the basis of race, sex, religion, creed or national origin shall be permitted in matters of employment in or admission to any public educational institution. Signed, Harbaugh.

CHAIRMAN GRAYBILL: Mr. Harbaugh has proposed that language as a substitute motion replacing the language in section seven as shown in the majority report. You're aware that the print shop is not open today so I had twenty copies made on the Xerox so you can have a chance to look at it if you can share it up and down the aisle a little bit.

Mr. Harbaugh.

DELEGATE HARBAUGH: It was not my intention originally to move this until I heard some of the discussion here on the floor this morning. There seems to be some sentiment in favor of making some changes in this section. I think we do need a section comparable to the present one that we have and I move this substitute motion because we did discuss this in our Education Committee, and after quite a lot of discussion, we decided to stay with the original section. Possibly, this would be a compromise-type of article. There was a time

STATE PUBLISHING CO. HELENA, MONT.

certainly in the history of our educational system where we needed a listing perhaps of the sort that is contained in the present section. However, I think that times have changed and that we have seen that strict statements, such as the one in Article Nine, have been construed sometimes in such a way that they prohibit some of the things that we maybe didn't want to prohibit, a study of certain religious material or this kind of thing in the public schools. Really, all I'm doing is trying to restate the tenets of the present section in a more positive language and term so that it would not prohibit some of the things that I think we find desirable today in our educational institutions. Thank you.

CHAIRMAN GRAYBILL: Very well. Is there discussion? Mr. Noble.

DELEGATE NOBLE: As a member of the committee and one who proposed this section, I resist Mr. Harbaugh's amendment. We talked in the committee and it voted unanimously. Adopt the other one.

CHAIRMAN GRAYBILL: Mrs. Bugbee.

DELEGATE BUGBEE: May I ask Mr. Champoux a question?

DELEGATE CHAMPOUX: I yield.

DELEGATE BUGBEE: Mr. Champoux. Again, I don't understand when you use the word sectarian tenets to be taught in any public educational institution. What do you do about a department of religious studies? I agree with Mr. Brown.

STATE PUBLISHING CO. HELENA, MONT.

It seems to me that this is something to be studied and thought about and learned about.

DELEGATE CHAMPOUX: Mr. Brown had closed and, of course, under the rules you can't stand up unless you can sneak one in and I've already gotten one in this morning so I wasn't going to try again. If you look at the word taught there -- We brought this up in committee and we thought that the word taught has a different connotation than the word study. You won't buy that?

DELEGATE BUGBEE: No.

DELEGATE CHAMPOUX: All right. If you go back to the original in the old constitution, it says practically the same thing. As a matter of fact, in that area, it does say exactly the same thing. The intent, of course, of the original section was to keep a public school teacher from teaching his particular religious tenets in the classroom. This is the way it has been interpreted by the court as we understand it. Now, the university has had a school of religion. I'm not quite sure but it isn't directly affiliated with the university, is it?

DELEGATE BUGBEE: Yes, it is.

DELEGATE CHAMPOUX: I knew it wasn't at one time.

CHAIRMAN GRAYBILL: Just let Mr. Champoux answer. Then, if you want the floor, I'll give it back to you. Don't pay any attention to his inquiries during his answer. (Laughter)

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE CHAMPOUX: Well, I'm a different kind of teacher. We go back and forth in my classroom. Anyway --

CHAIRMAN GRAYBILL: This is a different kind of classroom, Mr. Champoux. (Laughter)

DELEGATE CHAMPOUX: Wait until this afternoon. Okay, now the only thing I can say at this point is that since the university has been able to do it up to this point without objection, I would say it's still allowed.

CHAIRMAN GRAYBILL: Mrs. Bugbee.

DELEGATE BUGBEE: Mr. Champoux, I'd just like to answer. I think the thing, to me anyway, is a can of worms. I'd also like to add that the department of religious studies at the University of Montana is the most prestigious in the country. I don't think many people know that. Also, they are bringing in a new person this year to teach Indian religion and he is probably the best known person in the world. When you teach, you study. When you study, somebody has to teach it.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: Mr. Chairman. I think Mrs. Bugbee is right on to a point that is essential. I think this is possibly one of the main reasons Mr. Harbaugh rewrote this. Looking it over this quickly, I like his rewriting and I think I will support it.

CHAIRMAN GRAYBILL: Mr. Barnard.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE BARNARD: Mr. President. I rise in opposition to the substitute motion. I think this present section of nondiscrimination in education is well understood by the people. It has been interpreted many times. I can't see why we should substitute something that isn't as good for something that is good.

CHAIRMAN GRAYBILL: Mr. Arbanas.

DELEGATE ARBANAS: Fellow delegates. In reading over the amendment, the words that impress me very much and that, if you read them carefully, will allay the fears you may have. I think it shall guarantee the integrity and no discrimination. Certainly if there's any type of teaching, as Mr. Champoux would indicate, it would violate both of those tenets. It seems adequately taken care of and yet allows the other factor which, if you're going to study in school, seems to be a very important one.

CHAIRMAN GRAYBILL: Mrs. Reichert.

DELEGATE REICHERT: Mr. Chairman. Since we do not have copies of this amendment and since we are working on the education article, I think we should be educated as to what we're voting on. I wonder if we could please have Mr. Harlow's amendment read to us?

CHAIRMAN GRAYBILL: Right. There are some copies near you. Someone could perhaps hand you one. I'll reread it. All public educational institutions in this state shall

STATE PUBLISHING CO. HELENA, MONT.

guarantee the integrity of the diverse political, religious, cultural and social sectors of a pluralistic society. No discrimination on the basis of race, sex, religion, creed or national origin shall be permitted in matters of employment in or admission to any public educational institution. So, the first sentence says shall guarantee the integrity of the diverse political, religious, cultural and social sectors, etc. The second one says no discrimination, with a big long list of things, shall be permitted in employment or admission to any educational institution.

Mr. Woodmansey.

DELEGATE WOODMANSEY: I would like to direct a couple of questions to Mr. Harbaugh if he would accede to the questions. There are a few words in the first part of your amendment here that bother me. First of all, you talk about the diverse political, religious, cultural and social sectors. The word diverse bothers me; the word sectors bothers me. A little bit further, it says pluralistic society. To tell you the truth, I'd like to know what you mean by each of these words. I don't understand them. I feel it is a poor choice in this.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman. I'll try to respond to that. Diverse, in my understanding of the word, means the various. I suppose you could substitute the word various,

STATE PUBLISHING CO. HELENA, MONT.

the various groups that are enumerated here. The word sector seems to me also to be fairly clear. You could use the word segment if you want. I assume that would be parallel to the word sector. The word pluralistic is one that is more and more being employed by the courts. In fact, if you'll read some of the recent supreme court decisions regarding the First Amendment, you'll find that they use the word pluralistic quite freely. It's, I think, accepted by almost everyone that we live in a pluralistic society or that this is the intention, at least, of the great American dream that people who share different forms of culture, different religions, etc., live together in this society and that one of these particular segments or beliefs of society does not dominate any other. This is what I mean by pluralism.

CHAIRMAN GRAYBILL: Mr. Woodmansey.

DELEGATE WOODMANSEY: I think that answers my question and I would resist the amendment. I feel it does nothing to add to the present constitution. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Burkhardt.

DELEGATE BURKHARDT: I feel, in rising to speak to this, that there would be a couple of ways to go. If we are trying to state something about nondiscrimination in education, we might amend it by striking the first sentence and just stating no discrimination will be allowed. We're trying to

STATE PUBLISHING CO. HELENA, MONT.

say both a positive and a negative thing under a title of no discrimination and I think that bears some scrutiny. The other thought is the former one which has been in our constitution, has in speaking to the teaching of sectarian tenets, a different concept than Mrs. Bugbee was referring to where you have an attempt to understand in depth the meaning and the history and the philosophy of various religious groups. That is one thing. Another thing is to advocate a particular tenet and that is what this section was originally intended to protect, that you would not simply be, as in the university, examining in depth various philosophies and religions and thinking about them with some adult perspective. You would, perhaps, without this statement be subjecting very young children to the sect or prejudices of a particular teacher. I think there are a couple of things here that are involved. As far as the one that Mr. Harbaugh has submitted, I assume that our educational institutions have some devotion for the search for truth. The search for truth may or may not guarantee the integrity of every diverse political, religious, cultural, social sector as it comes to us. It bears some thought.

CHAIRMAN GRAYBILL: Mrs. Eck.

DELEGATE ECK: Mr. Chairman. I think that what we are concerned about here is the difference between teaching and studying and indoctrination. I believe that not only on

STATE PUBLISHING CO. HELENA, MONT.

the university level, but also down to the grade schools, as students become more involved in studies of the cultures of the world, they cannot really study these without studying the religious beliefs and tenets of those people. It's possible that what we ought to try to do is to incorporate prohibition against indoctrination rather than against teaching in this section.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Would Mr. Harbaugh yield to a few questions please?

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: I'll try.

DELEGATE CHAMPOUX: Gene, you and I and the rest of the committee had a long discussion during this section on secularism. Remember? Some concerns were expressed that something called secularism, which I'm going to have you define here in a minute if you would, is becoming prominent in our schools. Perhaps something else should be done to balance this a bit. Now, first of all, will you define secularism for me, sir?

DELEGATE HARBAUGH: Secularism? Well, secularism is not easy to define. I believe, though, that in one of the supreme court cases -- I can't recall exactly which one -- one of the justices did, in effect, say that the teaching of certain tenets in the public schools would amount to what I

STATE PUBLISHING CO. HELENA, MONT.

believe he described as a secular religion. My understanding of it would be that basically it's the promotion of sort of an agnostic point of view in which we say basically that we can't really know the truth about any of the religious beliefs and therefore that's what we'll teach, agnosticism. I suppose secularism would have to be equated in some sense with that and would, since we can't know the truth about these other things, then say the truth is that the scientific, technological things that we can see and touch, etc., are basically the things we must believe in.

DELEGATE CHAMPOUX: May I ask him another question?

CHAIRMAN GRAYBILL: Yes, Mr. Champoux.

DELEGATE CHAMPOUX: All right. When we talk about a pluralistic society, is it your intent for the record perhaps to get more religion in our schools?

DELEGATE HARBAUGH: No. My intent is as Mrs. Eck stated, that we simply not stifle the freedom of the student to study various beliefs and points of view. It's not my intention to make the public school into an institution that instructs youngsters or promotes any particular religious point of view.

DELEGATE CHAMPOUX: Thank you very much. I've brought this out, sir, for the record so that we could be clear on this. We had a long, extended discussion. I simply acted as the devil's advocate at this point to bring this

STATE PUBLISHING CO. HELENA, MONT.

point out. Thank you.

CHAIRMAN GRAYBILL: Mr. Aasheim.

DELEGATE AASHEIM: Mr. Chairman and delegates. I think we're concerned about this matter of taught and I think it's justified. I'm sure that we're not trying to hinder the teaching of religion in any university system. The comparative religions in the high schools or grade schools. What we are concerned about is promoting one particular religion over another. So, as a substitute motion for all motions pending, I move to amend on page twenty-two of section seven, in line twenty-one. Strike the word, any, and insert the word, one. In line twenty-two, strike the 's' on tenets. Strike the word, taught, and insert in lieu thereof, advocated above another. So we will have it reading like this: Nor shall one sectarian tenet be advocated above another in any public educational institution of the state. Mr. Chairman.

CHAIRMAN GRAYBILL: Just a minute now.

DELEGATE AASHEIM: I shall repeat --

CHAIRMAN GRAYBILL: Just a minute, don't repeat yet. Mr. Harbaugh's amendment was styled a substitute amendment to replace section six with a different set of language. We have not allowed substitute amendments to substitute amendments. Now, that seems to me to put the Chair in the position of saying that you may amend Mr. Harbaugh's. I suppose I could allow you to amend it by striking it in its entirety

STATE PUBLISHING CO. HELENA, MONT.

and putting in this other with some changes, but that amounts to a substitute amendment. I think you may explain the purpose that you have here, Mr. Aasheim, which I think you have done and you may do it further if you so feel. I think we've got to have the sense of the body on what we're doing with Mr. Harbaugh's motion before we get into restructuring another one or else we're going to have substitute motions on substitute motions and you wouldn't want Mrs. Robinson's substitute motion, which she has up here, on yours so I think you may explain it and then I'll rule it out of order. Then, we'll clear Mr. Harbaugh's and come back to you.

DELEGATE AASHEIM: Your point is well taken, Mr. Chairman. I like Mr. Harbaugh's ideas but we have school teachers and we have school professors asking questions about the terminology and meaning of these terms. One of my directives when coming here was to make this language in this constitution plain so that eighth graders can understand it and maybe sixth graders can understand it. I like, as I said before, Mr. Harbaugh's meaning but I also like the original terminology and wording of our present constitution. I think what we're concerned about is the meaning of that word taught. We don't want to prevent the evaluation of religions in our public schools or in our colleges. With that, I'll close.

CHAIRMAN GRAYBILL: Very well. So that everyone understands, Mr. Harbaugh has a substitute motion and it can

STATE PUBLISHING CO. HELENA, MONT.

be amended once, but other than that, Mr. Aasheim has a proposal for amending section seven if it doesn't pass. Mrs. Robinson has such a proposal and Mr. Harper has such a proposal. One of them deals with the word, taught, and one of them puts in another category to be protected, namely political beliefs. Now, with that background we can go ahead.

Mr. Arbanas.

DELEGATE ARBANAS: Mr. Chairman and fellow delegates. I, too, like the Harbaugh proposition. I think we would do better to amend it than to replace it. For that reason, I'm asking Mr. Harbaugh for a question please.

DELEGATE HARBAUGH: Yes, I yield.

DELEGATE ARBANAS: Do you think we could clear up the matter by an amendment such as this at the end of your statement? By just saying simply, no indoctrination of sectarian tenets shall be allowed. It seems to me -- I'm asking you first.

DELEGATE HARBAUGH: Mr. Chairman. Mr. Harlow has just sent up an amendment to the Chair to that effect. I would heartily endorse that.

DELEGATE ARBANAS: Having heard the answer then, I would like to make that amendment, Mr. Chairman.

CHAIRMAN GRAYBILL: Do you want to make it before you hear Mr. Harlow's since it's already in writing on my desk?

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE ARBANAS: Okay, very good.

CHAIRMAN GRAYBILL: Mr. Harlow, are you ready to have your amendment put?

DELEGATE HARLOW: Yes.

CHAIRMAN GRAYBILL: Very well. Mr. Harlow would amend Mr. Harbaugh's language by adding at the bottom -- Those of you who have the sheet might want to write this on it: nor shall any sectarian tenets be promoted in any public educational institution of the state. Nor shall any sectarian tenets, t-e-n-e-t-s, be promoted in any public educational institution of the state. Mr. Harlow, I'll allow your amendment.

Mr. Harlow.

DELEGATE HARLOW: Mr. Chairman. I move that amendment. I do it primarily and exclusively for the purpose of overcoming some of the objections to Mr. Harbaugh's amendment. This, I think, takes out the fear that has been expressed here. If I may support the amendment in its entirety -- that is, Mr. Harbaugh's amendment and this slight amendment I gave here -- I think it overcomes one of the objections that I had to the original section seven in that it barred students from going to school because they were not conformists, because they had a little different thinking about their personal appearance. I think it is sad here that this body and, particularly, various members of it are so concerned and so

STATE PUBLISHING CO. HELENA, MONT.

carried on and so want to perpetuate conformity in our society. Many years ago, maybe conformity was very fine or it was accepted, let me put it that way. Maybe it wasn't so fine. As Mrs. Cain brought out, when she first applied for a teacher's certificate, there were various restrictions on what she could or couldn't do. I remember the same thing on my first application or my first contract. I was not allowed to go to Billings more than two times in a semester. I thought Billings was all right. Of course, I just heard the remark here that that was a good thing to put in the contract to keep you out of Billings. (Laughter) It may have been at that time, but I think if such a contract was proposed today, it would be absurdity. The same thing, I think, is wrong in allowing the school boards to put up various absurd conformities for children to go to school. That is my problem and my paramount reason for trying to amend this section of the constitution to make it so that school boards cannot discriminate against students. It has been done here in the past and is being done now. I'm hoping that this amendment that we have in here now will meet all of those qualifications. My qualifications which allows no discrimination against a student because of his personal thoughts and no discrimination or not allowing the schools to take over the teaching of a certain specific kind of religion or thought. We must keep this broader thought in mind. The amendment that was applied earlier in

STATE PUBLISHING CO. HELENA, MONT.

this article, that allowed us to teach Indian culture. I think if we get down too fine on this discrimination, that we will nullify that amendment that was put on. I hope this amendment of mine prevails and then the amendment of Mr. Harbaugh's. Thank you.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I don't want to quibble on the words but I think there's a concern here for what perhaps Mrs. Bugbee was concerned about when we used the word promoted. I don't know if you see it that way, Mrs. Bugbee. What's the difference between teaching and promoted?

CHAIRMAN GRAYBILL: Mrs. Bugbee.

DELEGATE BUGBEE: Mr. Champoux, I agree with you. I think there will be confusion with the word promoted. I prefer Mrs. Eck's use of the word advocated. I think if that were substituted, it would be adequate.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. Harlow's amendment. I don't see why you'd need to close, Mr. Harlow. We've only had a minor exchange. Do you want to close?

DELEGATE HARLOW: The word definition came up here. The word advocate was considered better than the word promote. If I may, at this time, cancel out the word promoted and put in the word advocated.

CHAIRMAN GRAYBILL: Is there any objection to allow-

STATE PUBLISHING CO. HELENA, MONT.

ing Mr. Harlow to substitute the word advocated for the word promoted in his amendment? Hearing none, it will be done. Therefore, the issue arises on Mr. Harlow's amendment to add to Mr. Harbaugh's amendment this language: nor shall any sectarian tenets be advocated in any public educational institution in this state. So many as shall be in favor of that amendment, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Chair is in doubt. So many as shall be in favor, vote Aye on the voting machines. So many as are opposed, vote No. Has every delegate voted? Does any delegate wish to change his vote? Very well. The vote will be closed. The vote is forty-two to forty-one in favor, so it's adopted. Now, the issue is on Mr. Harbaugh's amendment that all public educational institutions of the state shall guarantee the integrity of diverse political, etc., and second, no discrimination based on sex, religion or creed shall be permitted with the addition of this sentence that nor shall any sectarian tenets be advocated in any public educational institution in this state. That is the issue.

Mr. Burkhardt.

DELEGATE BURKHARDT: Would it be in order --

CHAIRMAN GRAYBILL: Just a moment. We'll be at

STATE PUBLISHING CO. HELENA, MONT.

ease for a moment while we change the tape.

(Tape Changed)

CHAIRMAN GRAYBILL: Very well. We're back in order, Mr. Burkhardt. The issue is Mr. Harbaugh's amended substitute motion.

DELEGATE BURKHARDT: (Inaudible -- speaker not turned on) -- noon recess and get a chance to look at some of this and talk about it with the proponents and opponents?

CHAIRMAN GRAYBILL: The Chair is very desirous of completing section seven. I had expected to complete seven and eight before noon. We are working a little late. Some of the people may go to the prayer luncheon and I told them I wouldn't recess until 12:30 o'clock P.M. at least. I don't see any reason why we can't finish it. We've got lots of motions up here to go.

DELEGATE BURKHARDT: All right. I wonder if Mr. Dahood would yield to a question.

CHAIRMAN GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: I yield to a question, Mr. Chairman.

DELEGATE BURKHARDT: Wade, by now you're an authority on so many things, (laughter) we might as well put you --

DELEGATE DAHOOD: The newspapers would disagree with you, Delegate Burkhardt.

CHAIRMAN GRAYBILL: Mr. Burkhardt, I think this comes as a rude shock.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE BURKHARDT: I'm concerned and I thought that maybe as a lawyer, you could speak to this. As I read it, we are here guaranteeing the integrity of diverse sectors of a pluralistic society. It doesn't say we're defending them in school. We're on record to go out and promote them and defend them everywhere. I wonder how we're going to afford that and other questions.

DELEGATE DAHOOD: You wonder how we're going to afford that?

DELEGATE BURKHARDT: No, I wonder if you read it the same way I do in terms of what we're guaranteeing by the language of this amendment. You have it in front of you, don't you?

DELEGATE DAHOOD: Yes, and I have some doubt. In fact, I've expressed my opinion and thought that probably what we ought to do is find one sentence to indicate that we're not going to have any discrimination of any kind in education. I think we'd be a lot better off.

DELEGATE BURKHARDT: Thank you.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: I'll close on my motion if there are no more --

CHAIRMAN GRAYBILL: Mr. Wilson, do you want to speak?

DELEGATE WILSON: Yes, Mr. President. I think the old section has served us well over the years. I don't see

STATE PUBLISHING CO. HELENA, MONT.

any quarrel with it at all. They have only added six words to the old section. I think this is sufficient and adequate. I think we know what we're voting on when we vote for it. I think the courts have determined that this is right and I don't see any need to borrow trouble or stir up dissention. I would urge the adoption of the majority report.

CHAIRMAN GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: Mr. Chairman. I'd like to direct a question to Mr. Harbaugh.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE ROMNEY: Mr. Harbaugh, there was some discussion about whether the cultural and social sectors would lead us to a matter of dress, hair for boys for example and dungarees for girls attending school. Is that included for the record?

DELEGATE HARBAUGH: Mr. Romney, I doubt that it is. The courts have had some of these cases under advisement in the past and I think that what we come up against in those questions is a question of the authority of local school boards and the autonomy of the local districts. I doubt very much that this is directed to that particular question.

CHAIRMAN GRAYBILL: Very well. Is there other discussion? Now you may close, Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman, I'd just like to say in closing that in rewriting this section, I don't think

STATE PUBLISHING CO. HELENA, MONT.

that we are doing anything radical or extreme because in the annotations on this section, there are none in the old constitution. So, to say that the old one served us well, I'm not sure there's truth to that. It hasn't served us at all. The question hasn't come into the courts, at least in Montana, and I think this might be a more plausible way of approaching the question. I close.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. Harbaugh's motion to substitute for section seven the language that all public educational institutions in this state shall guarantee the integrity of the diverse political, religious, cultural and social sectors of a pluralistic society. No discrimination on the basis of race, sex, religion, creed or national origin shall be permitted in matters of employment in or admission to any public educational institution nor shall any sectarian tenets be advocated in any public educational institution of the state. So many as shall be in favor of that amendment, vote Aye on the voting machines. So many as shall be opposed, vote No. Have all the delegates voted? Does any delegate wish to change his vote? Very well. Take the ballot.

Aasheim	- Nay	Arness	- Abs
Anderson, J.	- Nay	Aronow	- Nay
Anderson, O.	- Nay	Artz	- Aye
Arbanas	- Aye	Ask	- Nay

STATE PUBLISHING CO. HELENA, MONT.

Babcock	-	Abs	Eck	-	Aye
Barnard	-	Nay	Erdmann	-	Nay
Bates	-	Nay	Eskildsen	-	Nay
Belcher	-	Nay	Etchart	-	Nay
Berg	-	Nay	Felt	-	Nay
Berthelson	-	Nay	Foster	-	Nay
Blaylock	-	Aye	Furlong	-	Abs
Blend	-	Nay	Garlington	-	Nay
Bowman	-	Nay	Graybill	-	Nay
Brazier	-	Abs	Gysler	-	Nay
Brown	-	Abs	Habedank	-	Nay
Bugbee	-	Aye	Hanson, R. S.	-	Nay
Burkhardt	-	Nay	Hanson, R.	-	Nay
Cain	-	Nay	Harbaugh	-	Aye
Campbell	-	Nay	Harlow	-	Aye
Cate	-	Nay	Harper	-	Aye
Champoux	-	Nay	Harrington	-	Aye
Choate	-	Abs	Heliker	-	Nay
Conover	-	Nay	Holland	-	Abs
Cross	-	Aye	Jacobsen	-	Aye
Dahood	-	Nay	James	-	Aye
Davis	-	Nay	Johnson	-	Nay
Delaney	-	Nay	Joyce	-	Abs
Driscoll	-	Aye	Kamhoot	-	Nay
Drum	-	Nay	Kelleher	-	Aye

STATE
PUBLISHING CO.
HELENA, MONT.
3

Leuthold	-	Nay	Rollins	-	Aye
Loendorf	-	Aye	Romney	-	Nay
Lorello	-	Abs	Rygg	-	Nay
Mahoney	-	Nay	Scanlin	-	Nay
Mansfield	-	Abs	Schiltz	-	Abs
Martin	-	Nay	Siderius	-	Aye
McCarvel	-	Aye	Simon	-	Nay
McDonough	-	Nay	Skari	-	Abs
McKeon	-	Aye	Sparks	-	Nay
McNeil	-	Nay	Speer	-	Nay
Melvin	-	Nay	Studer	-	Aye
Monroe	-	Aye	Sullivan	-	Aye
Murray	-	Abs	Swanberg	-	Nay
Noble	-	Nay	Toole	-	Nay
Nutting	-	Nay	Van Buskirk	-	Abs
Payne	-	Nay	Vermillion	-	Aye
Pemberton	-	Nay	Wagner	-	Nay
Rebal	-	Nay	Ward	-	Nay
Reichert	-	Nay	Warden	-	Nay
Robinson	-	Nay	Wilson	-	Nay
Roeder	-	Abs	Woodmansey	-	Nay

CLERK SMITH: Mr. Chairman, twenty-three Delegates have voted Aye; sixty-two have voted No.

CHAIRMAN GRAYBILL: Sixty-two having voted No and twenty-three having voted Aye, the motion is defeated. Mrs.

STATE PUBLISHING CO. HELENA, MONT.

Robinson, you're next. Are you ready for your motion to be read?

DELEGATE ROBINSON: Yes.

CHAIRMAN GRAYBILL; Mr. Clerk.

CLERK SMITH: (Reading) Mr. Chairman. I move to amend section seven of the education article, page five, line twenty-three by adding the following words and punctuation: Quote, political belief, end of quote, after the word, quote religion, end of quote. Signed, Robinson.

CHAIRMAN GRAYBILL: All right, Mrs. Robinson wants to add an amendment to section seven on line twenty-three, to add the words political belief so that it says: No person may be debarred admission to any public institution of learning on account of sex, race, creed, religion, political beliefs, or national origin. In other words, she has added political beliefs to the list of things for which you cannot be kept out of school.

Mrs. Robinson.

DELEGATE ROBINSON: Mr. Chairman. This is just to bring this up to what we passed in the Bill of Rights. Also, I'm really concerned about getting this political beliefs in here. I suspect that in a year or so, I may have to go to Butte to apply for a job as a school teacher and with my conservative republican voting record (laughter), I wouldn't want them to refuse to hire me because of my political beliefs.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Is there discussion? Very well. The issue is on Mrs. Robinson's proposal to add the words political beliefs to the list of things for which you cannot be debarred admission to public institutions of learning. So many as shall be in favor of that, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Ayes have it and she wins. Mr. Harper, you're next. Do you want yours read?

DELEGATE HARPER: Mr. Chairman, either mine or Mr. Aasheim's. Does he have one before you?

CHAIRMAN GRAYBILL: He doesn't have one written. Will the clerk read Mr. Harper's here?

CLERK SMITH: (Reading) Mr. Chairman. I move to amend the education article, page five, section seven, line twenty by changing the word taught to the word advocated. Signed, Harper.

DELEGATE HARPER: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harper's point is to change the word taught to the word advocated on line twenty of section seven.

Mr. Harper.

DELEGATE HARPER: It's a one-word change and I think it strikes at many of the comments that have been made here so

STATE PUBLISHING CO. HELENA, MONT.

I won't belabor the point. I suppose most of us have had experience with this kind of a conflict in the minds of administrators and teachers in our public schools as to just how far they can go in even bringing up religious subjects. Mr. Champoux said a moment ago that they didn't mind people studying them, but we didn't want them taught. Well, that's hard to do. It's pretty hard for any person to bring up a subject in a sense without teaching it although it was possible when I was a student, I'm sure of that. One school teacher, for example, invited me into a class on English literature to talk about the Book of Job in the bible. The next year the same course was taught by another teacher who felt that this would be a religious imposition on the students and so the format of the course was changed. It didn't make any particular difference to me. I simply use it as an illustration of the fact that the word, taught, does mean different things to different people. I think a word like advocated, as Mr. Aasheim and I are suggesting, seems to be more directly to the point of what this whole section is about.

CHAIRMAN GRAYBILL: Mr. Aasheim.

DELEGATE AASHEIM: Mr. Chairman. I concur with Mr. Harper's suggestion here concerning the word advocated. After consideration, I believe mine might have been in violation of the Federal Constitution because then an institution could have advocated two religions which, I would say, be in

STATE PUBLISHING CO. HELENA, MONT.

violation. So, I concur with eliminating the word taught and substituting advocated.

CHAIRMAN GRAYBILL: Is there other discussion?

Mr. Rebal.

DELEGATE REBAL: I believe we're trying to write words into a document that has already served us well. It seems to me that we are getting away from the framework of the constitution and trying to write in words that we are not certain ourselves of the meanings thereof. Thank you.

CHAIRMAN GRAYBILL: Mr. Studer. Mr. Romney.

DELEGATE ROMNEY: Mr. Chairman. As I understand this, we're dealing with placing the word advocated in in place of taught in line twenty?

CHAIRMAN GRAYBILL: That's right. So it says, nor shall any sectarian tenet be advocated in any public educational institution in the state.

DELEGATE ROMENY: Very well.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. Harper's amendment which would add the word advocated in place of taught so that the phrase would be, nor shall any sectarian tenets be advocated in any public institution. So many as shall be in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: The Ayes have it. It's adopted. Well, Mr. Foster, I guess you're next. Would you like us to read yours, Mr. Foster?

DELEGATE FOSTER: Please, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Clerk, please read Mr. Foster's amendment.

CLERK SMITH: (Reading) Mr. Chairman. I move to amend the education article, section seven, page twenty-two, line twenty-one, after whatever and delete the remainder of the section.

CHAIRMAN GRAYBILL: Let me have it and I'll see if I can read it. Put a period after the word whatever. The word whatever does not appear in that line -- Oh, you're on page twenty-two. Let's transpose here. All right, it's on page twenty-two on line twenty-one and on page five, it's line nineteen. He wants to put a period after the word whatever so that section seven would read -- and strike the rest. No religious or partisan test or qualification shall ever be required of any person as a condition for admission to any public educational institution of the state either as teacher or student, nor shall attendance be required at any religious service whatever. Then, he wants to leave out the rest of it about sectarian tenets and being debarred from admission on account of sex, religion, creed, political beliefs or national origins.

STATE PUBLISHING CO. HELENA, MONT.

Mr. Foster.

DELEGATE FOSTER: Mr. Chairman and fellow delegates. The basic line of my reasoning here is the same as was presented by Delegate Brown. However, I do feel that it's necessary to retain the provisions which come in the first portion of this section. No religious or partisan test or qualification shall ever be required of any person as a condition of admission to any public educational institution of the state either as teacher or student, nor shall attendance be required at any religious service whatever. I can accept the fact that some of you may have concerns about deleting this wording. However, I think the lengthy discussion that we have had in the area of trying to prescribe what type of freedom or limitations on freedom in the area of studies, in the area of activities of our institutions, it's clear that we're getting into an area which we really shouldn't be getting into in the constitution. I refer you to section four in the Bill of Rights article in which we state that the dignity of the human being is inviable. No person shall be denied the equal protection of the law nor be discriminated against in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition or political or religious ideas by any person, firm, corporation, or institution or by the state, its agencies or subdivisions. I submit that what we're concerned about here

STATE PUBLISHING CO. HELENA, MONT.

is amply covered in our new section as written in the Bill of Rights. I see no reason to belabor this argument and I feel that the amendment, as presented, should be adopted. Thank you.

CHAIRMAN GRAYBILL: Very well. Mr. Harper's amendment would put a period after the word whatever on line nineteen, page five of section seven and would delete the reference to sectarian tenets and to the phrase that says, nor shall any person be debarred from admission to any public institution on account of sex, race, creed, religion, political beliefs or natural origins. I'll amend Harper's to Foster's. It's Mr. Foster's amendment to strike the last half of section seven. So many as shall be in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Noes have it and it's defeated. Now, ladies and gentlemen, you have for your consideration section seven. I have no amendments up.

Mrs. Bugbee.

DELEGATE BUGBEE: May I ask Mr. Champoux a question?

DELEGATE CHAMPOUX: Anytime, Mrs. Bugbee.

DELEGATE BUGBEE: Thank you. You talked previously about that word qualification, didn't you?

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE CHAMPOUX: Yes.

DELEGATE BUGBEE: You think there's no problem there?

DELEGATE CHAMPOUX: I wouldn't say that. What I'm basing my conclusion on is the past record of the courts. That's all I'm basing it on. I think Mr. Davis will substantiate me on that, that we haven't had any problems on that. Whether we will in the future, who knows?

CHAIRMAN GRAYBILL: Mrs. Bugbee.

DELEGATE BUGBEE: Mr. Chairman. May I ask Mr. Dahood to yield please?

DELEGATE DAHOOD: Yes.

DELEGATE BUGBEE: Mr. Dahood, what's your opinion of that word?

DELEGATE DAHOOD: I'm bothered by the word qualification. I suppose somebody could use this in a way in which it was not intended. I regret that Delegate Foster's amendment didn't carry and then perhaps we could have gone back to the word qualification that had something that's going to carry out our intent. I could see where someone could cause some problem with respect to qualification.

CHAIRMAN GRAYBILL: Mrs. Bugbee and Mr. Dahood. May the Chair observe that Mr. Davis explained at the beginning of this, and I think it's not an unreasonable explanation, that the word qualification is modified by the words religious and partisan. It's religious qualifications and partisan

STATE PUBLISHING CO. HELENA, MONT.

qualifications which the constitution has been held so far to prescribe. Now, if you want to take it out of there, fine, but that's Mr. Davis' explanation.

Mr. Davis.

DELEGATE DAVIS: Mr. President. This was placed in the constitution in 1889. We have never had a case come up on it yet. Now, maybe we can change it and do better than they've done the last eighty some years, but I have some serious doubts. When I ran, I also told the constituents in my area that I was going to try to leave some of the things in that worked for about eighty or ninety years without causing any problems. So, I support the majority to leave it in like it is.

CHAIRMAN GRAYBILL: Members of the body, you have before you for your consideration on the recommendation of Mr. Noble, that when this body does arise and report after having had under consideration section seven, as amended, we recommend it be adopted. All in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Ayes have it and it's adopted.

Mr. Eskildsen.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE ESKILDSEN: I move we stand in recess until 1:30 o'clock P.M. this day.

CHAIRMAN GRAYBILL: Let's make it until 1:40 o'clock P.M. since we're past the half hour. Is that all right? All right, the motion is to recess until 1:40 o'clock P.M. All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed.

(No response)

(Recess 12:36 o'clock P.M.)

STATE PUBLISHING CO. HELENA, MONT.

MONTANA CONSTITUTIONAL CONVENTION

FORTY-THIRD DAY

Saturday, March 11, 1972 Convention Hall

1:45 o'clock, P.M. Helena, Montana

CHAIRMAN GRAYBILL: The committee will come to order. The committee will come to order. The committee will come to order. Ladies and gentlemen, when we recessed at noon we had just finished adopting section seven as amended. Therefore, will the Clerk please read section eight?

CLERK SMITH: (Reading) Section eight, School Elections. The legislative assembly shall provide for elections of school district trustees. (End reading) Section eight, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Mr. Chairman, I move that when this committee arises that they adopt section eight.

CHAIRMAN GRAYBILL: Very well, the motion has been made that when this committee arises and reports, after having had under consideration section eight, that it be adopted. Mr. Martin, would you like us -- Mr. Martin is not here. Mr. Heliker, would you like us to read your amendment?

DELEGATE HELIKER: Yes, please.

CHAIRMAN GRAYBILL: Will the Clerk read Mr. Heliker's amendment to section eight?

STATE PUBLISHING CO. HELENA, MONT.

CLERK SMITH: (Reading) Mr. Chairman, I move to amend section eight of the Education and Public Lands Committee proposal on page five, line twenty-four, after the word and punctuation, elections: The supervision and control of schools in each school district shall be vested in a school board. Signed, Heliker. (End reading)

DELEGATE HELIKER: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Heliker, do you mean to put a period after the word, elections? Oh, you want to substitute that language in place of the language that's there, is that it?

DELEGATE HELIKER: No, I want to add it before the language that's there.

CHAIRMAN GRAYBILL: Add it before. All right. The purpose of Mr. Heliker's amendment is to add to section eight on line twenty-four, page five, right at the beginning of the section, the following sentence: The supervision and control of schools in each school district shall be vested in a school board. Then it will go on and say, the legislative assembly shall provide. Mr. Heliker, are copies of your amendment on the desks?

DELEGATE HELIKER: No.

CHAIRMAN GRAYBILL: You might want to write that down then. The supervision and control of schools in each school district shall be vested in a school board. Then the

STATE PUBLISHING CO. HELENA, MONT.

rest of the sentence -- the rest of section eight would remain the same.

Mr. Heliker.

DELEGATE HELIKER: Mr. Chairman, not being a member of the Education Committee, although I am vitally interested in the subjects considered by that committee for the same reason that all of us are, plus the fact that I am myself a teacher, but not being a member of the committee, I have become aware of the problems that the committee has considered only as the report has approached the debate stage and as it has come on the floor and been debated, and I became aware -- that is acutely aware, although I was generally aware before, I suppose, if I thought about it much -- that there is grounds for concern of -- concerning the autonomy of the local control, the local school boards as financing of the schools gravitates toward the state more and more and as we see in the future the increasing likelihood there will be a continuation of that trend and the fear has been expressed here in this committee, when we were discussing these matters previously, that the local school boards would lose autonomy as they lost their control over the funds, if they do. Now, this committee has not provided, I notice, for autonomy in the Constitution for local school boards, although that autonomy is provided in the statutes which make the local school boards bodies corporate. At the same time, however, the committee proposal in section

STATE PUBLISHING CO. HELENA, MONT.

eleven provides for autonomy to a certain extent for the board of regents which they propose to establish as a constitutional board, and I feel, therefore, that we should give constitutional recognition and status to the local boards to -- first of all, to allay the fears which have been expressed, which I think are well founded concerning the preservation of local autonomy and, secondly, to give parallel treatment to the governing boards of the public schools, as well as the public universities and colleges. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Mr. President, fellow Delegates, I also have felt that there is quite a bit of fear on the part of many Delegates here and no matter what we say, perhaps, they'd still have that fear that the local school districts are going to lose some control and some power. And if you will note in my remarks when we get to nine, ten and eleven, you will note that we have even eliminated the word, control, in the new public board of education where it is in the old Constitution, and only use the word, supervise. By this amendment the intent is shown, I think, that this body does want local control to remain with the local school districts and I heartily support it.

CHAIRMAN GRAYBILL: Is there other discussion of Mr. Heliker's amendment?

Mr. Burkhardt.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE BURKHARDT: I was off the floor. I wonder if you could repeat the amendment. Perhaps others have the same question.

CHAIRMAN GRAYBILL: Very well, the amendment is to add to section eight immediately after the title a sentence as follows: The supervision and control of schools in each school district shall be vested in a school board. Then the rest of it would be: The legislative assembly shall provide for elections of school district trustees. It establishes a school board.

DELEGATE BURKHARDT: I would speak in favor of it and as a member of the Education Committee, would heartily support it.

CHAIRMAN GRAYBILL: All right, is there any more discussion?

Mr. Johnson.

DELEGATE JOHNSON: Mr. Chairman, I just rise in hearty support of Mr. Heliker's amendment. I think that our local school boards certainly should have constitutional status.

CHAIRMAN GRAYBILL: Very well. The issue then is on Mr. Heliker's amendment which would have the effect of adding to section eight a sentence saying: The supervision and control of schools in each school district shall be vested in a school board. So many as shall be in favor of his amendment

STATE PUBLISHING CO. HELENA, MONT.

say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: It's adopted. Now, Mr. Martin, may we read your amendment?

DELEGATE MARTIN: Yes.

CHAIRMAN GRAYBILL: Read Mr. Martin's amendment, please.

CLERK SMITH: (Reading) Mr. Chairman, I move to amend section eight, page twenty-three, of the Education and Public Lands Committee proposal number ten as follows: At line twenty-three, page twenty-three, by adding, following the word, trustees, and before the period at the end of the sentence, the following words: which shall be separate from elections at which state and county officers are elected. Signed, Martin. (End reading)

CHAIRMAN GRAYBILL: Very well, Mr. Martin has proposed an amendment which would add to section eight, after the word, trustees, language setting up the separateness of school board elections from state and county office elections.

Mr. Martin.

DELEGATE MARTIN: Mr. President, in our executive committee we gave consideration to the idea that perhaps the state elections, and particularly for governor, should be in

STATE PUBLISHING CO. HELENA, MONT.

the off two years from the presidential election. The purpose of this amendment is to make certain that when we are discussing voting in school elections that we have them separate and apart from other elections. I think that's -- needs no -- I don't need to belabor the point and I urge your adoption of the amendment.

CHAIRMAN GRAYBILL: Mr. Harrington.

DELEGATE HARRINGTON: In the Education Committee, this was quite a discussed item and one of the things that was brought up and the reason we dropped or deleted the words from the old Constitution, saying it would be a non-partisan election held separate from any city, county or state election, was the fact that in many counties at this time, we find that you have two elections every other year, back to back, and sometimes these elections cost ten thousand, twelve thousand dollars, and it's felt that the taxpayer has to pay for these extra elections, and by putting in the Constitution the fact that these elections cannot be held on the same day as another election, this is costing the taxpayers a great deal of money, where this money could possibly be saved if these elections could be combined. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: One other point that I may add if I -- and it's in the notes, but I just bring it out -- and that is that in at least one instance there is a partisan

STATE PUBLISHING CO. HELENA, MONT.

election of school trustees in the state, and I believe it is Butte -- is that correct, Mr. Harrington?

CHAIRMAN GRAYBILL: Just a minute. Just a minute, now. Who did you ask?

DELEGATE CHAMPOUX: Mr. Chairman, may I direct a question to Mr. Harrington?

CHAIRMAN GRAYBILL: You may direct a question to Mr. Harrington.

DELEGATE CHAMPOUX: Is it correct that there is at least one -- Butte -- that has partisan elections?

DELEGATE HARRINGTON: Well, they have -- they have parties that they call -- it's supposed to be non-partisan, I guess, but they have different parties -- Independent United party and Non-Partisan party -- and they vie against eachother in the elections.

(Laughter)

CHAIRMAN GRAYBILL: Mr. Hanson.

DELEGATE ROD HANSON: Mr. President, I support the idea of separate elections but I don't think we necessarily need it in the Constitution, and I think it could be done by the legislature and probably would, in their wisdom.

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: In the absence of Mrs. Payne from Missoula, I think that someone should speak on her behalf. She was a very strong advocate of leaving this flexible so the

STATE PUBLISHING CO. HELENA, MONT.

school district people and the local people had an option on these elections. She indicated--and I don't remember the figure for sure, whether it cost ten or twenty thousand dollars to hold a school trustee -- or a school election in Missoula county, and with the change that may take place where you no longer have a mill levy election at a local levy, and the time may come when you don't have that, then the argument that was presented, saying, well, you have to have a mill levy election anyway so you might as well elect the trustees. There was a lot of thinking that the trustees' election could be fixed by local option at some future date at a time other than in the spring when they're working on budgets -- perhaps in the fall when they'd have time to work their budgets out. But, if no one else wants to carry the oar for Mrs. Payne, I am very happy to say she was very concerned in this and her argument was the one that persuaded us to change it.

CHAIRMAN GRAYBILL: Mr. Martin, do you want to close?

DELEGATE MARTIN: Perhaps we should have an amendment to the effect that it would exclude Silver Bow and Missoula.

CHAIRMAN GRAYBILL: Very well, the issue is on Mr. Martin's amendment to add to section eight language which would state the assembly shall provide for elections of school district trustees which shall be separate from elections at which

STATE PUBLISHING CO. HELENA, MONT.

state and county officers are elected. In other words, separate school district elections would be required under this amendment. So many as shall be in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: Looks like it's wider than Butte and Missoula, Mr. Martin. All right, that's defeated. Are there other proposals for section eight as amended?

(No response)

CHAIRMAN GRAYBILL: If not, members of this committee, you have before you for your consideration, upon the motion of Mr. Champoux, that when this committee does arise and report, after having under consideration section eight as amended, that the same be adopted. Now, you realize -- some of you came in late -- the amendment says: The supervision and control of schools in each school district shall be vested in a school board. The legislative assembly shall provide for elections of school district trustees. So, we added that one sentence to section eight. So many as shall be in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Section eight is adopted as amended. Will the Clerk please read -- well, just a moment. Now, ladies and gentlemen, section nine, ten and eleven are associated and I'm going to ask the Clerk to read nine, ten and eleven all at once and the committee has asked that they then be given time in which to explain the interrelationships of nine, ten and eleven, and the Chair has before it three proposed amendments to nine, ten and eleven as a group and three proposed amendments to section eleven, if we ever get there, and we'll take them up in the order that they've been shown. But will the Clerk now read sections nine, ten and eleven all together?

CLERK HANSON: Mr. Chairman. (Reading) Section nine, State Board of Education: The board of public education and the board of regents of higher education, as hereafter designated, shall together constitute the state board of education which shall meet periodically on matters of mutual concern. In case of a tie vote at such meeting the superintendent of public instruction may cast a vote. Section ten, Board of Public Education: There shall be a board of public education which shall exercise general supervision over the public school system and such other public educational institutions as assigned by law. Said board shall consist of seven members appointed by the governor with confirmation of the senate to six year overlapping terms. The governor and state superin-

STATE PUBLISHING CO. HELENA, MONT.

tendent of public instruction shall be ex officio non-voting members of the board. The duties of this board and the superintendent of public instruction shall be prescribed by law. Section eleven, Board of Regents of Higher Education: There shall be a board of regents of higher education, a body corporate, which shall govern and control the academic, financial, and administrative affairs of the Montana university system, and shall supervise and coordinate other public educational institutions which may be assigned by law. Said board shall consist of seven members appointed by the governor to six year overlapping terms, subject to confirmation by the senate, under regulations provided by law. The board shall appoint its executive officer and prescribe his term and duties. The governor and superintendent of public instruction shall be ex officio non-voting members of this board. (End reading) Mr. Chairman, sections nine, ten and eleven.

CHAIRMAN GRAYBILL: Very well.

Mr. Champoux.

DELEGATE CHAMPOUX: Mr. President, fellow Delegates, at this point I would like to spend some time going over what the two-board concept is and in the process telling you about some of the ramifications in terms of what will happen, for instance. I also intend to define body corporate along the way. Oh -- I move that when this committee does arise that we adopt nine, ten and eleven. Is that proper at this time?

STATE PUBLISHING CO. HELENA, MONT.

Marshall just told me that.

CHAIRMAN GRAYBILL: That will do in this classroom, Mr. Champoux.

(Laughter)

DELEGATE CHAMPOUX: Well, here we go. Sit back, relax. If you look at the old Constitution, here's where part of the problem develops. If you look at the old Constitution -- I'll read it for you, you don't have to look at it -- it talks about in section eleven the general control and supervision of the state university and various other state institutions shall be vested in a state board of education. Now, that's all right up to that point because it gives this board a certain amount of power. The problem comes, however, whe you look in the next sentence where it says, whose powers and duties shall be prescribed and regulated by law. Now, what the problem here is, on the one hand they've made this board and given them powers and on the other they've taken them away. Not only that, there is a question, or there has been until our supreme court -- there was until the supreme court decision was made -- whether this board actually was to control the lower public schools. Well, sections nine, ten and eleven of the proposed new article deal with the state administrative structure for education. Together, these sections provide a substantially revised framework for the operation of the educational system under the authority of section eleven of the

STATE PUBLISHING CO. HELENA, MONT.

existing Constitution, which is a single board of education, which presently exercises supervision and control over the entire educational system, while sitting as the state board of education on matters concerning the public school system and ex officio in terms of board of regents on the university matters. Now, the proposed sections would replace this structure with the boards -- with two boards which would separately supervise higher education on the one hand, and the public school system on the other, but would meet jointly as the state board of education on matters of mutual concern. And, incidentally, I want to stop right there and say that there was an editorial in the Missoulian two days ago that suggested perhaps that this board should present a unified budget to the state -- to the legislature. Now, there's been a lot of fears expressed here that the two boards will tend to become competitive in terms of funds insofar as the legislature is concerned. Now, one of the things that this committee wanted to do was tend to stop this never-ending parade of administrators coming to the legislature, lobbying proliferation of courses -- you know, one school gets a department, another school wants it -- so the way they do, the way they get it is they come up and do their lobbying and what-have-you. We'd like to stop that and I would suggest that perhaps someone might want to amend that board if we ever get to it -- that umbrella board, so to speak -- that one state board of educa-

STATE PUBLISHING CO. HELENA, MONT.

tion -- so that it does provide only one unified budget to the legislature. Well, the proposed structure would provide a much needed reform in the administration of education in Montana. The state board of education, as it presently exists, operates under a provision written at a time, 1889, when the educational system was fundamentally different from what it is today. The educational system of Montana in the nineteenth century consisted only of primary grammar schools up to the eighth grade, and a newly founded state university. Today it consists of a universal system of elementary and secondary schools and a public higher educational system composed of two major universities, four colleges, three community colleges, a number of vo-tech centers -- five of them in all -- and plus, they have another vo-tech area at Bozeman. In 1889 there were less than twelve thousand students in this system. In 1970 there were more than two hundred thousand students enrolled. At the time of statehood, the office of the superintendent of public instruction consisted of one person and a clerk. The function of the office was mainly information-gathering. At present the office has a staff of a hundred and sixty-two and administers more than fifty-two million dollars for a vast array of state educational programs. The provision for a board which was appropriate to the 1889 section -- situation -- is clearly not appropriate today. At least the committee doesn't think so. It was not even clear that the state board

STATE PUBLISHING CO. HELENA, MONT.

of education was ever intended to serve as the board for the entire educational system. The phrase, and I quote, and the various other state educational institutions, in the existing section eleven, appears to refer only to what are commonly thought to be state-run institutions, that is to say not local schools. In other words, the state normal schools, school for the deaf, blind, and so forth. It was only by virtue of a Montana supreme court interpretation in the State versus Cooney case in 1936 that this section was specifically ruled to apply to the elementary and secondary school system. In practice, the state board of education has devoted the great majority of its time to matters of higher education. Now, one board member told us ninety percent. Another board member disputed that and said eighty percent. There's a 1968 legislative study that says eighty-five percent, so take what you want to. At least it's the overwhelming amount of time that's spent on higher education. There is a kind of informal division of labor between the board and the state superintendent, such that the lower schools are looked after by the superintendent of public instruction and that the board sees its duties primarily in the field of higher education. A recent study that was concluded in 1958, the Durham report, says: The result is that the board's functions -- and I'm quoting -- in public education become more of the nature of trouble shooting and too little of consistent long range planning, policy

STATE PUBLISHING CO. HELENA, MONT.

formulation, appraisal, and the like. One major reason, therefore, for the creation of a two-board structure is the establishment of a board that will be specifically qualified for and concerned with the problems of elementary and secondary education and other institutions which may be assigned by law. The correlate of this structure is the establishment of a separate board for higher education which will be similarly qualified for and attuned to the particular problems of higher education. The necessary coordination between these two separate boards would occur in the joint board provided for in section nine. This joint board, the state board of education, would meet periodically to act on matters of mutual concern to both sectors of education. Now, we did talk about this matter of periodically and we thought perhaps it would be better to leave it loose, rather than say, you know, they're going to meet five times, ten times a year, what-have-you. There has been some criticism about that. Also, there has been some criticism to the extent that it doesn't provide for a chairman of this board. I would assume -- I don't know, we never really discussed this what the committee feels who the chairman should be, but I would assume perhaps it would be the governor. However, the other two boards would elect their own chairmen -- why couldn't this board? Further reasons for the reorganization of the boards of education are presented in the next section. I want you to notice in this number nine, if

STATE PUBLISHING CO. HELENA, MONT.

you look at the old section of the Constitution, it talks about supervision and control. In this section we have left out the word, control. Again, we want to emphasize that we want the local public school boards to have as much power as possible. Also, we want you to notice that it talks about and other similar -- let's see, the phrasing is exactly -- well, we'll go on. All right, let's go to the new public board, or the board of public education, section ten. The membership is prescribed and its responsibilities are prescribed also. As described in the preceding comments, the greatly expanded activities, personnel, and funding involved in elementary and secondary education requires that this crucial sector of education have its own administrative board. The largest share of state funds for any one purpose goes to elementary and secondary education. The state administers over twenty-five major federal programs in education at this level. The kinds of education needed and offered are constantly changing and expanding. A board which is to cope adequately with this vast area of reaponsibilities must consist of members who are qualified and who have sufficient time to become knowledgeable about the particular problems and issues of public education. A board is no more capable than is a superintendent of being competent to administer two fundamentally different areas of education. Now, another problem that's arising here, and I'm sure that if you've been reading the papers and you look at

STATE PUBLISHING CO. HELENA, MONT.

the Serrano thing and so forth, it's very, very obvious that we're going to get more federal funding. Now, there have been two studies on this. The commission -- the presidential commission that was issued -- the report that was issued last Monday said that we are going to get at a minimum twenty-one per cent of federal funding -- twenty-one percent. Now, another intergovernmental commission that issued a report in January, a presidential commission, said that these grants will be conditional on matching or more funds. Now, if that's true -- now, presently we're getting seventy -- seven percent federal funding. If we're going to have twenty-one percent federal funding, that means then that the state government is going to be putting in twenty-one percent; that gives you forty-two percent. Presently the state government is putting in twenty-seven percent. You're talking about sixty-nine percent state and federal funding -- sixty-nine percent. Now, it is my estimation from all that I know, and I'm sure that some of the members of the Revenue and Finance Committee will agree with this, since they have studied this extensively, that that figure is going to be an absolute minimum. It is probably way too low. What I'm saying here, then, is that we're talking probably about anywhere from eighty to eighty-five percent federal and state funding that's coming, and we might as well face it. Now, with all of that money flowing through the state, don't you think we need another board to be looking at

STATE PUBLISHING CO. HELENA, MONT.

it? A board of lay people watching over this, having a check on the state superintendent's office, and so forth? The need for a separate board for public education promises then to become even greater in the future. The present trends indicate the assumption of much greater role in educational financing by state and federal, possibly as much as ninety percent -- and I don't want to go into that because this is according to Serrano and there's a variance factor there that constitutional lawyers say there's somewhere between ten and twelve percent, but we don't know. Well, a well-informed and representative board would provide a much needed balance to decisions on administrative policies, and that is one of the things that I want to emphasize. In this whole business of the boards, we have to keep in mind all the time that the legislature is not going to be here in session all the time, that the representatives of the people are not going to be here administering this, and the greatest fear is the bureaucracy. The greatest fear is the bureaucracy. A large majority of witnesses who testified on the subject, including key state officials and many educators, spoke in favor of the two-board concept. As a matter of fact, every major person involved in education, like the state superintendent of public instruction, the presidents of all the university systems, community -- the university units -- the community college presidents, the Montana Education Association, the largest

STATE PUBLISHING CO. HELENA, MONT.

education association in the state, and many, many other groups totally support this two-board concept. Three major studies that have been made since 1958--the Durham report, the Peabody report, and the legislative council study of 1958. All of them support the two-board concept. Now, not only that, at one time we had a constitutional amendment brought out. I believe it was in 1960. Three of them were brought out. They were never put on the ballot because they weren't signed by the governor. It had nothing to do with the two-board concept. The longest serving member of the state board of education, Maury Richards -- many of you know him -- sent us a letter, and I quote: Please give every consideration to a two-board system. Frankly, even the most capable, dedicated board member finds it impossible to do justice to the total assignment. Numerous studies have shown that we need this. The fear has been expressed that a separate board for public education might usurp the powers of local boards. There is no reason to be concerned about such a policy -- possibility-- however, since the powers granted the state board would be almost identical to those now granted, and what we have just done is to guarantee the control by the local board at the local level. Indeed, the committee has actually deleted the word, control, from the powers now granted the board so that the new section reads: exercise general supervision over the public school system. It would be difficult to argue that this grants any additional powers

STATE PUBLISHING CO. HELENA, MONT.

to the state board at the expense of local school boards. Under existing law, vocational -- let me bring up this question about where's the vocational-technical schools going to go. This has caused a lot of concern. I want to make sure at this time for the record the feeling of the committee and cite a number of other things. First of all, the committee wants it categorically stated that their feeling is that they want the vo-tech schools to remain under the secondary-primary board. Now, we have consulted with constitutional lawyers on this. They say that the statutes would not change unless the legislature decided this. See? Now, why haven't we stated that the vo-tech centers will remain under the secondary, the primary board? Well, very simply because the vo-tech representatives that came to us and said -- and I'm quoting directly from the transcript of the meeting -- Mr. Driscoll, Maurice Driscoll, a fellow Delegate, and Bill Korizek, representing the vo-tech centers, said that they wanted no mention of specific units in the Constitution. No mention of them. And we agreed with that because we felt it would be too restrictive and would set these units in concrete. Not only that, they stated, and I quote, they favored one single board of education. I notice that Mr. Driscoll has brought up an amendment. He's going to be advocating that, and Mr. Gysler also has some connection with the vo-tech and he is also advocating that. But notice this, and I quote from their own testimony -- they favor one

STATE PUBLISHING CO. HELENA, MONT.

single board of education with three subdivisions. Three subdivisions. Now, why are we concerned a little bit about this? You notice the same wording is used over in the new board for higher regents, with one little variation that I will explain to you when we get to it. Now, why have we done this? Well, if you go back to 1889, who ever heard of vo-tech centers in 1889? Who ever heard of community colleges in 1889? What are these schools going to be called in 1999? What kind of schools are we going to have in 1999. What we've done this for, then, is to provide some flexibility so there can be movement back and forth. Not only that, I want you to note that only sixty-one percent of the vo-tech education is in the vo-tech centers. Thirty-nine percent of it is in either the community colleges or at Havre -- at Northern at Havre. These figures come from the department of public instruction and also Mr. Ball's office in the vocational office. Well, what we are trying to do then is provide flexibility. From what we have found out, the greatest emphasis perhaps in the next twenty years is going to be on vo-tech education or what would be called practical education. After all, isn't a teacher a vocation, too, and it's estimated that within ten years, perhaps, fifty percent of all education will be of this nature. This is why we have attempted to provide some leeway, some flexibility, where these units could move back and forth. Within ten years, fifty percent, perhaps, of all education will be of this type and it will be

STATE PUBLISHING CO. HELENA, MONT.

involved not only at the kindergarten level but all the way up through and including the university level. All right, the voting members of the board would consist of seven members selected by the governor for six year overlapping terms. The governor and superintendent retain ex officio membership on the board but in a non-voting capacity. Now, the reason why we did that, we heard from many people voting -- board members also -- that sometimes these people come in -- they come in with their proposals, you see, especially the state superintendent of public instruction. Here's her proposal to the board and then she votes on it, and we thought that that perhaps wasn't right, so this is why we put that in there. We feel that the elected officials should be separate from the board decision-making, but should retain membership on the board for informational and coordinating purposes. The committee feels that the duties of the superintendent should be legislatively prescribed to allow for changing conditions and possible alterations of the relationship between the board and the superintendent. It is fully expected by the committee that the office of superintendent shall be provided by election, and it has been. A majority of the committee feels strongly that the superintendent should be elected -- well, I don't have to go into that. All right, let's go to the last board, the board of regents of higher education. The second fundamental component of the proposed new administrative structure

STATE PUBLISHING CO. HELENA, MONT.

for education is a board of regents of higher education. The same reasons which apply to the need for specialization and concentration on the public school board hold also for the board of regents. Higher education is fundamentally different from public school education in goals, curriculum, financing, control, operation, and so forth, and it must be administered accordingly. There is very little in common between the public school system and higher education, other than a shared need to provide a smooth transition for students between the two systems. Now, I have a kind of a suspicion that some of you are interested in what this word, a body corporate, means, so at this point I want to stop and define a body corporate and tell you a little bit about it, and at the end of this -- my little lecture here today, I'm going to tell you what we see as happening if this occurs and what we see as not happening if it occurs. All right, let's look at the definition of a body corporate. This is from Black's Law Dictionary. One: it provides legal recognition as an entity apart from a normal administrative or executive agency. It limits liability of directors or members. And that point was brought up by some board members in terms that they can be sued without this. Under this the board can but not members. It recognizes the perpetation of the body between individual membership. It generally grants right to purchase or sell property, hold title to property, sue, contract, adopt a seal, and so forth.

STATE
PUBLISHING CO.
HELENA, MONT.

It generally grants right to the body to govern its own internal operations, and that should be emphasized. That is what the key to all of this is about, the power to govern its own internal operations, according to articles of charter or incorporation -- in other words, the grant of power. It has this power to exercise all powers necessary or convenient to affect any or all of the purposes for which the organization is organized, sell things and what-have-you. Now, the following states have a body corporate: Alaska, California, Colorado, Georgia, Hawaii, Idaho, Louisiana, Michigan, Minnesota, New York and Florida. A body corporate is also a term applied to corporations, public and private, and is a term particularly applied to a public corporation having powers especially assigned. It indicates the distinguishing characteristics of a corporation -- and what are the distinguishing characteristics? Is an artificial person a legal entity, capable of acting through its corporate offices and agents, of suing, being sued, taking and holding property, contracting in its own name, and of continuing to exist independently of the individuals who compose it? All right. A public corporation is one created by the state for political purposes and to act as an agency in the administration of civil powers delegated to it. Generally within a particular territory a subdivision of the state and usually invested for that purpose with subordinate and local powers, and so forth. Now, all school districts in the state

STATE PUBLISHING CO. HELENA, MONT.

of Montana by statute are body corporates. All school districts in the state of Montana by statute are body corporates. If you look at the Revised Codes, 75-6501, it says any district shall be a body corporate. Every community college in the state of Montana -- community college district -- is a body corporate. If you look at the Revised Codes, 75-8102, these are by statutes however, all vo-tech schools -- centers which are administered by local school districts come under the powers of a body corporate. The university system is the only educational unit in the state that is not a body corporate. Now, what does it mean, really? It means that you are master in your own house, that you can set your own curriculum, that you can hire and fire, and I'll go into detail later on as to what the limitations on this power are. We've been using the term, autonomy, around here. I think that we've been using it rather loosely because autonomy means freedom, complete independence, and this isn't necessary to the case as we shall point out with this board. All right. A recognition of the particular needs and problems of higher education has led all but two states in the Union -- all but two -- to establish separate state governing boards for higher education. Now, they have either established it by constitutional status or by legislative status. Montana and Idaho remain the only two states which retain a single board for both public schools and the university system. Some states have more than two boards

STATE PUBLISHING CO. HELENA, MONT.

for their educational system. Some have three and four, but the generally recognized principle is that different educational tasks require different administrative structures. As noted in the comments to the previous sections, major studies of education in Montana have recommended the creation of two separate boards. The Durham report, 1958, and so forth. In addition to administrative questions, another fundamental reason exists for the establishment of a separate board of regents of higher education. Higher education is not simply another state service. The administrative structure of higher education cannot be considered an ordinary state agency. The unique character of the college and university stands apart from the business-as-usual of the state. Higher learning and research is a sensitive area which requires a particular kind of protection not matched in other administrative functions of the state. Few would dispute the vital importance of academic freedom to the process of higher learning. Such freedom is the essence of the American higher educational system. The great movements of mankind have come out of the great modern schools, the modern university system, ever since the time of the Renaissance, and the greatest of these movements have come out of the schools that were unfettered by controls that would tend to stifle them. Only in an atmosphere of independent and unfettered inquiry can an objective pursuit of knowledge be conducted which is unhindered by prejudice and vested

STATE PUBLISHING CO. HELENA, MONT.

interest. The great contributions to both scientific and humanistic learning which have emerged from American colleges and universities can be attributed in large part to the freedom traditionally enjoyed by the teachers and students in such institutions.. This was the idea implicit in the founding of both private and public colleges and universities in the United States. And here I want to stop for a minute and say something --

(Laughter)

DELEGATE CHAMPOUX: You're awake. How about that?

CHAIRMAN GRAYBILL: You're entitled to one mistake, Mr. Champoux. Go ahead.

DELEGATE CHAMPOUX: I'm sure going to make more of you when I get through -- saying something about that.

(Laughter)

DELEGATE CHAMPOUX: Oh, we needed a pause. In the beginning these schools were established independently. If you go back in the Renaissance -- only in modern times have we found this tendency for more state and bureaucratic control and it's getting worse and worse, as I will show you, all the time. The society as a whole accepts the principle unreservedly -- excuse me -- this was the idea implicit in the founding of both private and public colleges and universities in the United States, and it is an idea which still prevails. The society as a whole accepts the principle unreservedly.

STATE PUBLISHING CO. HELENA, MONT.

Rarely does a direct attack come upon the concept of free inquiry. However, a more subtle kind of coercion has made its appearance, and it is of the sort which is likely to become an even greater threat to the integrity of higher education in the future and this is the growing power of the centralized, bureaucratic state. Without overtly intending to curtail freedoms, the modern state has absorbed an increasing amount of power and control in the name of efficiency. A pervasive form of influence and manipulation has grown hand in hand with the emerging predominance of the government form and the computer. What do I mean by that? Laws are made by legislators but the bureaucrats administer them and that's the problem. We hear all the time about the unresponsive government, the unresponsive government, and so many times we think of it as being the governor, the attorney general, the legislators, and so forth. The greatest danger in this country is not from our elected officials but the ones that are hired to administer the laws. I'll never forget the day two years ago, in a speech, Senator Metcalf said, in Kalispell, that he had been in the Congress for I don't know how many years and all of a sudden he heard about an agency down in the cellar of some building there that had fought at something he wanted to do. He looked into this and he found out about an agency that had been never authorized by anyone, anywhere, and here it was administering programs. Not only that, Senator Goldwater --

STATE PUBLISHING CO. HELENA, MONT.

boy, I've hit both sides of the fence there, haven't I -- over in Spokane made the same claim. I've got the right and left in on it now -- that the greatest danger is from this bureaucratic control. A warning of this social trend was voiced in a landmark study of the condition of the American university conducted in the late 1950's under the chairmanship of Dr. Milton Eisenhower under a Ford Foundation grant. Now I've got good old Ike on my side. The study described a variety of creeping controls on university systems which have appeared in recent years across the country. It warns that strict adherence by institutions of higher learning to a bewildering array of centralized bureaucratic controls will ultimately endanger the academic as well as the administrative freedom of the colleges in this country. This is from a book by -- it's in a book called The Campus and the State by Malcolm Moos and Francis Bourke. Among the sources of growing controls which increasingly impinge on universities are state budget offices, state auditors, comptrollers, purchasing departments, personnel offices, central building agencies, and a variety of older forms of control, such as legislative riders, which are being used in new ways to affect colleges and universities. The informal controls associated with these direct means often exert an even stronger influence on the educational process. The study concludes that the maintenance of the system of higher education free from unnecessary bureaucratic and polit-

STATE PUBLISHING CO. HELENA, MONT.

ical interference is important not only to a healthy academic atmosphere but also to the administrative efficiency of the system of higher education. Creative research, and I quote, by its very nature, requires freedom to move in a different direction if the facts uncovered require it. The further away budget authority lies and the more time consuming it is to get permission for such changes, the less will be accomplished. Research and instruction at the higher levels are not services for which specifications can be written in advance, and for which one seeks the lowest bidder. They are venture capital investments where one successful strike in a multitude, either in the form of a new ideal, or a trained individual capable of producing them, may spell the difference between a forward-moving or a retrograding nation. The power to coordinate and operate the system of higher education is one which belongs primarily, properly, to an informed board of regents who have the knowledge and ability to determine rationally the course of higher education. Master plans have been suggested for the guidance of higher education in Montana but have failed to be applied because of a lack of power. We could have a master plan in this state where all of the higher education units would be coordinated--all of them--so we wouldn't have this duplication of forces, this duplication of programs, and also the duplication of our units, if we only had power in a board that could enforce its own mandates in terms of its internal

STATE PUBLISHING CO. HELENA, MONT.

control, and that is going to be one of the greatest benefits -- and I want to put that on the record as the intent of this committee -- that this unit would tend to put the house of higher education in proper order. A board of regents empowered to carry out its informed judgments would be an important force for efficiency in the higher educational system. It is this factor of efficiency which is highlighted in the study chaired by Dr. Eisenhower. The primary conclusion of the study is that freedom actually enhances efficient operation of a university system. You might say, you know, why, we'll give them freedom and they're going to go off and do their own thing. They're going to be very aware of public opinion, and once they can put their own house in order -- they've got the control to do it -- they will. The fact that higher education very largely owes its autonomous position in state government to the belief that freedom promotes rather than limits efficiency -- . In the future there is one point that colleges and universities will need to make to the public and its elected representatives very persuasively. This is simply that the goal of efficiency in higher education can be realized without non-educational officials intervening in the fiscal affairs of colleges and universities. The factors in particular add to the efficiency of a university -- two factors -- which is relatively free to control its own affairs--one, long range planning. We've seen a lot of instant expert work in

STATE PUBLISHING CO. HELENA, MONT.

this very floor here. All the time. What would you feel like if you were a professor that planned something a long time and had come up, tried to get it passed in the legislature, completely fail, and then some guy in the back row got up and decided, well, this is a brilliant idea and passed it and you'd have to administrate it, oftentimes without money to finance it. In the future there is one point that colleges and universities will need -- well, -- long range planning and administrative decentralization. There is a clear need for a strong board of regents to make long-range plans which are appropriate to the needs of higher education and free from short term political whims. The limits of decentralization -- centralization in government -- oftentimes operations have become apparent, particularly in such an unpredictable and flexible field as higher education. A board of regents which is given the power to control and manage its own affairs would enormously improve the planning situation for higher education in Montana. Well, I want to get to something here now. Last Thursday on the floor of this assembly was distributed a letter to certain Delegates from the office of the department of administration. I heard about it. I finally acquired a copy, and I want to read you that letter. It says: The department of administration is in favor of safeguarding the academic freedom of the university system in the Constitution. However, the proposed change goes far beyond the question of academic

STATE PUBLISHING CO. HELENA, MONT.

freedom. It gives the university system complete autonomy in the areas of finance and administration as well without any control being exercised by the legislature or central government. Past experience indicates that the board of regents has not exercised its authority over the budget process. The attached newspaper clipping shows the board put its, quote, rubber stamp on the 1971-73 biennium education budget. Now, look at this -- Great Falls Tribune, two years ago. They really had to search through the clipping file to get that baby, didn't they? Not only that, the headline doesn't coincide with what's said in the article, and we've had experience with headlines in this assembly, haven't we? Well, the general fund appropriations -- it goes on, such-and-such -- it names them -- then it says, the state is now in the process of developing a uniform statewide budgeting and accounting system. If the university system is excluded from the state's financial and administrative rules and regulations, it will be impossible to adequately report on the state's financial operations. The taxpayers are entitled to know where and how their whole tax dollars are being used, and not just part of their tax dollars. Full disclosure in reporting is fundamental to achieve full accountability. If the university system is given full autonomy from financial and administrative controls, this means they will be -- and then he has about ten exemptions -- ten exemptions -- and I want to look at some of these exemptions

STATE PUBLISHING CO. HELENA, MONT.

and then I'm going to give you my answers. He says first of all -- incidentally, this letter was unsigned. We sent a member of my staff down to the administration office and we asked if this had come from the office. They denied it. They said no, they would never get involved in convention affairs in this manner. When we informed them that we had subpoena power it was a different story and it was found out that Mr. Saxby, the state comptroller, wrote this letter -- a bureaucrat. Number one -- it says here -- his letter -- they will be exempt from using the state treasury system. It's a nice interesting charge but it's not true. All monies appropriated by the legislature would still be directed through the state treasury system. States with similar provisions as we are proposing employ the same -- the state treasuries for such financial operations. Incidentally, we called five different states with this kind of a set-up and this is the information they gave us. Number two: Mr. Saxby says they would be exempt from legislative audit of their operations. Absolutely untrue. The legislative auditor works for the legislature and will continue to audit units of the university system as he saw fit. Legislative auditors are continuously at work inspecting the operations of universities in those states with similar provisions. Number three: exemption from external pre-audit of their claims. Partially untrue. The claims of the university system could be pre-audited, although this would not automati-

STATE PUBLISHING CO. HELENA, MONT.

cally entitle a pre-auditor to absolute veto power over the university system claims. Pre-auditing continues on a full basis in states with other similar provisions. Number four: they would be exempt from investing their funds -- funds for the board of investments. Now, that's an interesting charge in that it seems to indicate that Mr. Saxby didn't even read the educational report, nor even read the stipulation, because in number twelve that we'll be taking up here, I hope, this afternoon it says university funds shall be respectively invested under such regulations as may be prescribed by law, and certainly that would be through the department of investments. Number five: exempt from having their construction programs reviewed by the state architecture. This is questionable. Some states which have similar provisions still have the state architect review building programs. However, the advisability of such a review, even if continued, is debatable. The new science building at the university of Montana which has severe architectural defects was reviewed by the state architect. Six: They would be exempt from having their warrants issued by the state auditor. Untrue. The state warrant process is the only method that state -- that funds can be spent from the state treasury. Moreover, there is no reason why the board of regents would want to quibble with this process. They would be exempt from executive review of their budget adjustments. Untrue. The department of administration could

STATE PUBLISHING CO. HELENA, MONT.

still review budget adjustments. The department would not have absolute veto power but it could most certainly voice objections to the governor and the board of regents. States with similar provisions have exhaustive full time executive reviews of university budgets. They would be exempt from executive review of their fee schedules and their fee waivers. The board of regents currently has the statutory power to levy fees, not the executive branch. The next one is a very interesting one. It says that they would be exempt from the statewide budgeting and accounting system. It is interesting because it is a system not even in existence. Apparently the department plans to implement such a program and fears the university system might be excluded. The university system would not be exempt from this accounting system, as it would relate to state treasury funds. The university system's right to design and maintain its own internal accounting system is appropriate to its own activity, as it has traditionally been done to provide proper management information as it has in the past. Then it goes on and on. Central purchasing -- it would be exempt from it. They wouldn't be exempt from central purchasing. If they felt that they wanted to -- you know, it would be better and advantageous to them -- but we're going to show you some examples here in a minute where it hasn't been advantageous to them, and so forth. Next, he makes the charge that -- he's a former employee of Governor Reagan of

STATE PUBLISHING CO. HELENA, MONT.

California, incidentally. He makes the charge -- he links the campus disturbances at Berkeley to the constitutional status of a board of regents. This sort of innuendo is disgraceful. Anyone who has any knowledge of higher education knows that the situation at Berkeley had nothing to do with the powers of the board of regents, and more violent confrontations occurred at San Francisco State, the governing board of which has no constitutional protection whatsoever. On the other hand, why haven't there been no riots at the university of Georgia, Michigan, Minnesota, Colorado, and so forth, that have corporate status? The real intent of the department of administration appears to be revealed in the last paragraph of their letter. The department wants power, bureaucratic power, and they're afraid that they might not be able to increase it if this board of regents goes into effect. Let's look at some examples of what's happened. Here's the music department at Missoula. Whenever they order something they have to come up here and put up their orders for bid, and such things as pianos and other instruments. Here are experts in the field down in Missoula and they come up here and they ask for a certain instrument but it's overruled by an accountant. Why? They have to buy on the lowest bid basis. Oftentimes this lowest bid basis is an out of state bid. Sometimes it's only a few dollars cheaper than the local dealer and they can't get service to -- service cannot be obtained locally. You can't

STATE PUBLISHING CO. HELENA, MONT.

buy second hand equipment because of a state regulation, even from Helena, the city of Helena. Now, the problem comes when you have eight year old Sears and Roebuck pianos. You ought to listen to some of those students and their piano playing. The state department of administration has been attempting for two years to impose an accounting system on the university system which is simply not appropriate to educational institutions. The university system has, in fact, been using a far more modern double entry accounting system than the state has used for years. The same system that is recommended by the American Council of Education and used nationally in all major universities for educational accounting. The university submits the most detailed and well prepared financial reports in the state, double entry, twice a year. The obvious solution to this problem is simply to write a computer program that goes along with the university system and include it in the state system. I wonder if they've thought of that yet? The state administration department has expressed desire to incorporate other university connected funds into the state general fund, which is dormatories, fraternities, sororities, and so forth. These funds are self-sustaining and self-liquidating. It would be silly to bring them all the way up here when they're going to have to be turned over so many times at Missoula, Bozeman, and so forth. Research grants by the government -- they want to administer them all through the state senate.

STATE PUBLISHING CO. HELENA, MONT.

But one of the better ones is the motor pool. This has been a fiasco from the start. The university was paying eight cents per mile previously. Now it pays eight point six percent. Well, that may be inflation. Even after handing over approximately a hundred and fifty cars to the state, enormous inconvenience and extra cost in time is wasted in going to and from the depots, adding mileage and time to the cost of going out of the way is probably greater than the savings. It takes seven months to get billing. Not only that, anyone who uses a car permanently assigned to him must send in daily -- daily a report on its use. The man at the agricultural experiment station has to drive eighteen miles each way, each day, to get gas for his car. The state is in the process of getting into the gas station business -- competing with private industry. All of this resulted from the bright idea of a bureaucrat that the car pool in Helena should be made statewide. Look at investment. In its review of the university investment policy the legislative audit committee complimented the university system on its fine record and said it should continue until the state could do as well. The state is making three percent on its investments; the university is making six percent.

CHAIRMAN GRAYBILL: Mr. Champoux, I wonder if you could conclude as quickly as possible.

DELEGATE CHAMPOUX: I will right now.

CHAIRMAN GRAYBILL: I think you've had plenty of

STATE PUBLISHING CO. HELENA, MONT.

time.

DELEGATE CHAMPOUX: Here it is. O.K. If you look at also some other problems, a tax on people, individuals, in the system -- some of you remember Dr. Morton Borden here a few years ago because of a speech he made out in Minnesota, I guess it was, on cooperatives and the economic system before the Farmers Union. He was severely attacked on this floor. They tried to eliminate his salary from the budget. As a result, Borden is now teaching, head of the graduate program at the university of Santa Barbara. Dr. Louis Levine made extensive studies of mine taxation and because of their controversial nature with respect to powerful mining interests, the chancellor, under pressure from the legislature and a threat to cut appropriations, suspended Dr. Levine. He resigned and went to New York. Well, if a board is created for higher education and given the responsibility for education but not the authority to carry out such responsibility, how can they be held accountable to the people. If the real authority for carrying out the policies of higher education is dispersed among the bureaucratic political frameworks of other agencies, who, then, is accountable to the public. A healthy post-secondary educational system must have freedom from political changes of fortune while still maintaining its responsibility and accountability to the state. The institutions themselves, the centers of teaching and learning, must be

STATE PUBLISHING CO. HELENA, MONT.

immune from external political or ideological pressures. Thank you very much for the time I've spent.

CHAIRMAN GRAYBILL: Very well, the issues under consideration is sections nine, ten and eleven. Mr. Rygg, you have an amendment. Do you want us to read it?

DELEGATE RYGG: Yes, would you read it, please?

CHAIRMAN GRAYBILL: Will the Clerk read Mr. Rygg's amendment to section nine?

CLERK HANSON: Mr. Chairman (reading): I move to amend by deleting in their entirety sections nine, ten and eleven on pages twenty-four, twenty-five, twenty-seven and thirty-one of the Education and Public Lands Committee proposal number ten, and by substituting in lieu thereof the following section: (quote) Section ten. The general control and supervision of the state university and the various other state educational institutions shall be vested in a commissioner of education whose powers and duties shall be prescribed and regulated by law. Signed, Rygg. (End reading)

Mr. Chairman.

DELEGATE RYGG: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Rygg has proposed an amendment to eliminate sections nine, ten and eleven and put in place thereof a section nine, which would set up a commissioner of education.

Mr. Rygg.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE RYGG: Mr. Chairman --

CHAIRMAN GRAYBILL: I wish everyone who is not debating would sit down and get off the floor.

DELEGATE RYGG: Mr. Chairman --

CHAIRMAN GRAYBILL: Very well, Mr. Rygg.

DELEGATE RYGG: This, I suppose, could be called a Kelleher amendment. That is to say, I'm sure it has no chance of passing -- and my apologies to Bob because he's not here right now. But, during the early days of the Convention, I approached several Delegates with this idea and each one said it wouldn't work. They said we had tried the chancellor system once and it failed. Because of this, I did not prepare a delegate proposal nor did I present my idea to the committee, and therefore, probably am asking you folks to waste a few minutes of your time, but I'll try to make it up by not talking much the next few days. I do feel compelled to throw out this idea, though, because I believe it actually would solve Montana's problem of administering this school system. The only way we are ever going to get efficiency in our school system, especially in our higher education, is to have one man accountable. What I have observed over the last twelve years, the university presidents influence the board of regents, and that's understandably so because the layman bows to the professional. And the presidents also, in my opinion, influence the executive director, even though I think he is supposedly

STATE PUBLISHING CO. HELENA, MONT.

answerable to the board of regents, and as a result, all six of the presidents tries to build his own little empire, and that you can't blame them for. Now, a one-man rule could stop this empire building and make the decisions as to what each institution should be offering as far as courses are concerned. This is especially true in the graduate field but could apply in other areas. Under the commissioner of education there should be one university president, and under this university president there should be six vice presidents and six deans and the vice presidents should be more businessmen than educators and the deans, of course, would have charge of the academic field. Under this same commissioner -- in all, there should be three departments. The president of the university should be one; the second should be the superintendent of public instruction, who should be in charge of the secondary and elementary schools, which is the case now; and the third department head is also needed, and that's one to be in charge of vo-tech and community colleges, because there are really three departments. I am convinced that a system like this, or one similar to it, is the only way out of Montana's present dilemma, especially in the field of higher education. Now, out of deference to Chairman Champoux who, of course, is my colleague from Flathead county, and in the interest of saving time, I hereby withdraw my motion. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Very well, I understand Mr.

STATE PUBLISHING CO. HELENA, MONT.

Rygg to have made the following motion: The general control and supervision of the state university and the various other state educational institutions shall be vested in a commissioner of education whose powers and duties shall be prescribed and regulated by law. And I understand that he has now withdrawn that motion.

Mr. Gysler.

DELEGATE GYSLER: I have an amendment, Mr. Chairman. I wish the Clerk to read it.

CHAIRMAN GRAYBILL: Mr. Clerk, will you read Mr. Gysler's amendment?

CLERK HANSON: (Reading) Mr. Chairman, I move to amend by deleting in their entirety sections nine, ten and eleven on pages twenty-four, twenty-five, twenty-seven and thirty-one of the Education and Public Lands Committee proposal number ten and by substituting in lieu thereof the following section: Section nine. The general control and supervision of the state university and the various other state educational institutions shall be vested in a state board of education whose powers and duties shall be prescribed and regulated by law. The said board shall consist of fourteen members, the governor and attorney general, being members ex officio; the other twelve members thereof shall be appointed by the governor, subject to the confirmation of the senate, as provided by law. The state superintendent of public instruction shall

STATE PUBLISHING CO. HELENA, MONT.

be the executive officer of the board, shall perform such duties as the board shall prescribe in addition to such other duties as are provided by law, and shall receive such salary as is provided by law. Signed, Gysler. (End reading)

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Gysler has proposed an amendment which takes out sections nine, ten and eleven, and substitutes a single state board of education.

Mr. Gysler.

DELEGATE GYSLER: I rise with a little hesitancy, being a Norwegian born in the northeast corner of Montana and getting up against a Frenchman from Boston, especially after the very eloquent hour and some minute speech he made. First, I want to say that probably I have a real interest in this. I don't know if you would call that vested or not, but I have three sons who are in the educational system of the state of Montana. I have been active at home in vocational education but to those of you who think that I am all things, I'm a real conservative. Things have been going on in the Fort Benton school system, and if you picked up today's Great Falls Tribune you will see two pictures on the front page of what was happening yesterday in the Fort Benton school system, and if you will turn to page twelve you will find the write-up on what happened there. I was also one who taught school at a very unusual deal last October when all the teachers went to an in-

STATE PUBLISHING CO. HELENA, MONT.

training service session at the school. I confess that I have been more active in the line of vocational education than I have been higher education, and this is for a couple of reasons but primarily the number one reason is because I feel the great inequity that we have had over the years between higher education and vocational education, and I have been working to help to try and correct that. As an invited participant to the secretary of health, education and welfare's regional meeting in Denver last April -- I believe it was region eight they called it -- six states -- and by the way, I paid my own expenses. Dr. Rump from the department of education in Washington, D. C., told us that by 1980 only twenty percent of the jobs available in our country would require a college education, so this leaves eighty percent that do not require a college education. A couple of mornings ago while I was getting dressed, I heard on the radio that by -- some national commentator, I forget who he is -- comes on roughly seven-fifteen -- that just a few years ago, fifteen percent of the jobs in this country required no education, or at least none beyond high school. In two or three years -- in two or three years, that number will drop to five percent, so with this little bit of background, first I would like to explain what I have attempted to do with the article I have introduced. As with the majority proposal, the general supervision and so on -- we say control, too -- but just generally is vested in this board.

STATE PUBLISHING CO. HELENA, MONT.

The board of education, whose duties shall be prescribed and regulated by law.

(Delegate Eskildsen assumes chairmanship of Committee of the Whole.)

DELEGATE GYSLER: I propose this to be one board and, as you will note, it is a total of fourteen members, twelve of who are appointed by the governor according to law so there is enough people on it to subdivide if they so desire and spend the time in separate areas as you do on a board of directors of most any large corporation. But this is one board. I was very happy to hear the chairman of the Education Committee admit that there should only be one board when you come around to the dollars and cents aspects, and I submit to you that there's a lot more to education and a lot more coordinating needs to be done besides on the dollars and cents aspects. The governor and the attorney general are ex officio members, but I hope I've got this so they're voting members. Now, I've taken the state superintendent off from being a voting member because, really, I don't feel someone who is being the chief administrator should also be on the jury end of what the administration -- of how the functions are being carried out. I also -- and this will probably draw some fire -- I say that the state superintendent of public instruction shall be the executive officer of the board and shall perform such

STATE PUBLISHING CO. HELENA, MONT.

duties as the board shall prescribe, in addition to duties by law and so on. Now, this has drawn some fire but really, what I'm attempting to do here is to make one system of education in the state of Montana. It is very important that all levels of education be integrated and by doing this, this is the intent of this article. Now, when I say the state superintendent shall have such duties as prescribed by law, that this was the only way I could see to be sure that the state superintendent was elevated on up to the top of the whole works. Now, maybe we're going to have to take another look and just not elect a superintendent of schools except for primary and secondary education, but if we are going to have one board and one system of education in the state of Montana, this really is what we have to end up doing. Now, the duties in that part, the duties that I am assuming that the board will prescribe would be in the general supervision category of what the board wants done in the university systems, and under the state superintendent, then, would be your executive officer as the present board of regents has, but this not only elevates the state superintendent but it is, I think, a very economical and efficient manner to see that we are going to get the best education for the children of the state of Montana, and adults, that we can possibly get because no matter how far we go along, I'm sure we are always going to be short dollars and cents-wise. So this, I think, basically, then, pretty well describes what I was

STATE PUBLISHING CO. HELENA, MONT.

talking about. I would like to, as long as I'm on this, I'd like to say that the only -- I have only received two pieces of correspondence from my school at home. The first one was just a letter which I felt very complimented on from the superintendent that said he regretted that he didn't see me to express his feelings but he thought that education in Montana wouldn't have to -- or would be safe as long as I was working on it. The second one was the correspondence that I received just shortly before I testified before the Education Committee and it had to do with figures of what is happening in our school system. In 1967 we sent eighty-seven percent of the graduates out of Fort Benton high school to a four year college. Last year we sent, I believe it was, sixty-five percent. I testified to this effect before the Education Committee and I also testified that I thought as far as boards were concerned that vocational education should have at least as big a say as the university systems. I believe that under one board they have this. I do want to take a little issue with the chairman of the Education Committee when he is quoted in yesterday's Great Falls Tribune as saying that the school boards association is a special interest. I would hope that they are a special interest, but not in the manner Mr. Champoux referred. The school boards in all of our areas are elected by you and I if we are doing our job. What kind of pay do they get for it? They get long hours, we give them a lot of heck at times, but

STATE PUBLISHING CO. HELENA, MONT.

this is it. Now, as far as I'm concerned, there is only one goal that the school board has and that is to see that the best education system as can be provided is provided. I knew that Mr. Champoux would either snow or shampoo me under with his eloquence and I did come across -- see a letter which was written by the executive secretary of the national school boards association which, in part, anyway, says much more eloquently than I can what I mean, so I would like to read just a little bit from this letter -- about three paragraphs or something like that. (Reading) Simply stated, I believe in one board of education for each state, composed primarily of laymen appointed by the governor and confirmed by the legislature. This board should have the power to oversee the curricula of all schools in the state elementary, secondary, collegiate, graduate, private, technical and parochial -- well, I don't know -- well, I guess they do now in parochial, too. (Continuing reading) The board should determine standards for health, safety of students, and standards for reasonable productivity. It should establish criteria for the professional certification. The board should have the power to hire its executive officers including such persons as the state superintendent of public instruction -- well, we've already knocked that out -- and the chancellor. The arguments for such a system are based upon simple assumptions and inherent logic. One: Education should be viewed as a continuous process necessary in our com-

STATE PUBLISHING CO. HELENA, MONT.

plex society from cradle to the grave. Education at one level depends on the previous and is responsible to the next. It isn't a different kind -- one level -- one level to the next, obeying different laws of learning. Education should strive for efficiency. The money for education comes from one pot usually appropriated or authorized by the state legislature. One board speaking for all education can present a unified and intelligent budget which takes into account all the priorities of the people. It can articulate among the levels of education and keep them in balance. The governing structure itself should be simple. It should be able to act quickly to change circumstances. I just want to interrupt here and say, one reason there is no mention here as to length of terms is to leave it open so that the legislature can do this in case this board isn't responsive and so on. (Continuing reading) The state board of education should be powerful and widely respected. With only a piece of the action and without adequate power, it is forced to operate by importuning, cajoling, and mere persuasion. Some critics of a one-board system will quickly counter out of fear of the power of one board. This is inappropriate because a state board is always modified by the governor, by the legislature, by the educational professionals, and by the weight of public opinion.

(President Graybill assumes chairmanship of Committee of the Whole.)

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE GYSLER: Other critics will argue that the unique attributes of the various levels of education require separate boards. Higher education will be the first forward with these claims. On the other hand, boards of higher education have allowed colleges to become curricularly inappropriate, have feared crediting societies more than their public, have maintained questionable undergraduate majors, and so on. Many of the problems of higher education--its too often inappropriateness and its too low productivity per dollar expended--are due to the autonomy which has been granted to the institutions of higher education in the past. A third set of critics of one board in government will emerge from the professional groups who want self-regulation. This argument I dismiss with a harsh and insensitive caveat that a profession which is self-regulating is, from the standpoint of public interest, unregulated. Many states have one board for public elementary, secondary schools and one for -- and one or more for institutions of higher education. In almost every state, legislatures are faced with powerful lobbying factions and the demand for funds beyond the reasonable capacity to produce. Jurisdictional battles are common and legislatures very often acquiesce to the most powerful forces rather than the most logical. Having one state board won't end the philosophical problems for the legislatures, but will simplify the interface. (End reading) I heard the chairman say about how many people testified before

STATE PUBLISHING CO. HELENA, MONT.

his committee in favor of the two boards and it sounded like almost everyone there did. Would Mr. Woodmansey yield to a question?

CHAIRMAN GRAYBILL: Mr. Woodmansey?

DELEGATE WOODMANSEY: Yes, I would.

DELEGATE GYSLER: Mr. Woodmansey, you're on that committee -- on the Education Committee. Who testified for two boards and who for one board? What was the --

DELEGATE WOODMANSEY: I assume you're asking me because you see I voted no in some way in this area. Yes, I'll be glad to respond to this and I hope as accurately as my memory serves me. We had several members of the present state board of education who came before the committee. If my recollection is right, I don't remember any of them asking for a two board system. We had the state superintendent of public instruction who came before the committee and, as I heard it -- I didn't hear that she was opposed to this. The governor came before our committee, and it was my understanding after listening to him that it could be either way, that he could live with the one board or have the two boards system. Of course, the Montana School Boards Association was opposed to a two board system. The Montana Education Association, which represents a majority of the teachers of the state, was opposed to a two board system. I may have omitted others who appeared before the committee. I'm sure that maybe someone else could contrib-

STATE PUBLISHING CO. HELENA, MONT.

ute further, but this was my feeling after listening to them.

DELEGATE GYSLER: Thank you, Mr. Woodmansey. Another point I want to bring out is what the chairman said about body corporate. Well, I've been president of a body corporate for about thirteen years and I know how they work. I've worked with a lot of other body corporates and the board of directors run them, and that doesn't leave an awful lot for the rest of the people, which in the case of the people of Montana, you would be the stockholders and the board of education would be the board of directors.

CHAIRMAN GRAYBILL: Mr. Gysler, do you have any idea about how much longer you'll need?

DELEGATE GYSLER: About two or three minutes.

CHAIRMAN GRAYBILL: O.K.

DELEGATE GYSLER: So it is fine, like the chairman said. The boards of school districts are now body corporates but this is in the legislature. It is not in the Constitution and to me there is quite a difference. I want to just in conclusion say that this article that I have proposed is not proposed because of any special interest group. The only thing that I have had to do with education is paying taxes and paying my own expenses because I'm interested in it, and I certainly hope that when this body does arise and report, that you will accept this amendment.

CHAIRMAN GRAYBILL: Mr. Driscoll, you have an amend-

STATE PUBLISHING CO. HELENA, MONT.

ment. Do you want the Chair to read it?

DELEGATE DRISCOLL: Yes, I would like --

CHAIRMAN GRAYBILL: Will the Clerk please read Mr. Driscoll's amendment?

CLERK HANSON: (Reading) Mr. Chairman, I move to amend sections nine, ten and eleven, being pages five and six of the Education and Public Lands Committee proposal number ten, by deleting these sections in their entirety and inserting in lieu thereof, (quote): The general control and supervision of the state university and the various other state educational institutions shall be vested in a state board of education, whose powers and duties shall be prescribed and regulated by law. The said board shall consist of fourteen members, the governor, state superintendent of public instruction and attorney general being members ex-officio. The other eleven members thereof shall be appointed by the governor, subject to the confirmation of the senate, under the regulations and restrictions to be provided by law. Signed, Driscoll. (End reading)

Mr. Chairman.

CHAIRMAN GRAYBILL: Very well, Mr. Driscoll proposes an amendment which proposes a one board system. I might quickly recap for you. The majority wants a two board system. Mr. Gysler wants a one board system with the governor and attorney general ex-officio and the superintendent of public

STATE PUBLISHING CO. HELENA, MONT.

instruction as the executive officer. Mr. Driscoll wants a one board system with the governor, the attorney general and the superintendent of public instruction ex-officio.

Mr. Driscoll.

DELEGATE DRISCOLL: Mr. Chairman, I'll be relatively brief. I lack the eloquence of the chairman of the committee and his persuasive manner and this type of thing, but most of you people will notice that this is the present provision in our Constitution, with one minor change. The board now will consist of fourteen members with the governor, the state superintendent of public instruction and the attorney general being ex-officio members. As I ran for this Constitutional Convention, I made the statement that there were a good many parts of our Constitution which I liked and which I thought should remain, and the present provision regarding the state board of education is one of these. In my testimony before Mr. Champoux's committee, I made some statements which I regret. One of the statements was that I didn't want vocational-technical education mentioned in the Constitution. I can see now that I made a mistake. I look around this assembly here and I see at least two people, two members of the legislature -- one from the senate and one from the house -- who, in 1952 and 1954, attempted to establish with me a vocational-technical center -- centers in Montana. From the beginning, with Paul Harlow and Charley Mahoney -- Charley Mahoney in the senate

STATE PUBLISHING CO. HELENA, MONT.

and Paul Harlow in the house -- we developed an adult education provision which is now prevalent in the state. We also laid the basis for our vocational-technical centers. I would like to report to the Committee of the Whole the present status of our vocational-technical centers. The status is ambiguous. We are in a netherland someplace. The way the law is written and is applied, the budget and curriculum are determined by the state board of education. Administration, then, is left in the hands of the local school district in which the vocational-technical center is located. However, the largest part of administration is budget and curriculum determination. I would also like to remind the members of this committee that there are no local district funds involved in the financing of the vocational-technical centers. This is funded entirely by state funds and the one mill countywide levy. And this experiment in education, which is probably the most exciting in the United States at the present time, we are in a situation which is rather nebulous. We don't quite know where we belong. We don't quite know where we are going, and under the proposals by the majority, we still wouldn't know where we belong. I don't know if the university system is going to exist as it is now, twenty years from now. I haven't the faintest idea, but if we take the majority's proposal it is going to exist. I don't know where vocational-technical centers will be twenty years from now, but I do know that it has shown that they have

STATE
PUBLISHING CO.
HELENA, MONT.

shown the greatest growth of any educational system that's in the state and that they have been received well and happily by most people. I would also like to talk briefly about the state board of education as being unresponsive. I venture to say that I have had more personal experience with the state board of education than any other member of this floor, and I have found those people responsive, dedicated, courageous, and concerned. I am sure that this little amendment which I propose and a few more statutory meetings allowing them to develop a good committee system will be in the best interests of education in general in Montana. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Eskildsen.

DELEGATE ESKILDSEN: If we could all be back here promptly at twenty minutes to four, why then I'll move to recess. I so move, Mr. Chairman.

CHAIRMAN GRAYBILL: The motion is to recess until twenty minutes to four. All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: So ordered.

(Committee of the Whole in recess from 3:27 o'clock, P.M., to 3:42 o'clock, P.M.)

CHAIRMAN GRAYBILL: The committee will be in session.

STATE PUBLISHING CO. HELENA, MONT.

Ladies and gentlemen of the committee, we now have before us on section nine, ten and eleven, three proposals--the majority proposal which proposes a two board system, a proposal by Mr. Gysler which proposes a one board system with the governor and attorney general on the board and the superintendent of public instruction as the executive officer of the board. Then we have one by Mr. Driscoll which proposes a one board system with the governor, attorney general and superintendent of public instruction all on the board. The matter is open for discussion.

Mr. Arbanas.

DELEGATE ARBANAS: Mr. Chairman, fellow Delegates, the discussion of the three plans has centered down on whether we have one board or two boards. That's a very important item, but I think there's another important item that somehow is just a little bit lost in my mind anyway in the three discussions. I'd like to take just a moment to get the information for you and for me, to try and clear up, and that's the position of the superintendent of schools in all three plans, because we have to face the fact that when the board goes home, somebody has to be left there to man the shop and one of the big questions I think in the whole proposition is, who works for whom? Now, if Mr. Driscoll would yield to a question, I would like to ask one.

DELEGATE DRISCOLL: I yield.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE ARBANAS: Mr. Driscoll, the plan that you have is pretty much like we have it now with the superintendent of schools relating strictly -- or in a, you know, a running sort of capacity to the elementary and secondary, and in an advisory capacity to the higher education -- would that be a true statement?

DELEGATE DRISCOLL: It's exactly as it is now. She does not act in an advisory capacity to the higher education. She acts as a member of the board of education.

DELEGATE ARBANAS: A member of the board, yes, right. Fine. Thank you very much.

DELEGATE DRISCOLL: Thank you.

DELEGATE ARBANAS: Mr. Gysler, would you yield for a question?

CHAIRMAN GRAYBILL: Mr. Gysler? Will you yield?

DELEGATE GYSLER: I yield.

DELEGATE ARBANAS: As I understand your system -- I'd just like to check it out -- you have made the superintendent of schools the executive secretary of the board, is that right?

DELEGATE GYSLER: No.

DELEGATE ARBANAS: Could you yield for another question?

DELEGATE GYSLER: Yes.

DELEGATE ARBANAS: Would you picture that role a

STATE PUBLISHING CO. HELENA, MONT. 3

little bit clearer for me?

DELEGATE GYSLER: Certainly. Mr. Arbanas, what I have done here is to make the superintendent not the executive secretary but the executive officer because I feel that under this system then, the higher education, then, will have their executive secretary, and so on. Really, what I am attempting to do with this is centralize everything and in relation to the higher education ends than will be more a supervisory there in the fields that the state superintendent is now in. The functions, I think, will stay the same, relatively.

DELEGATE ARBANAS: Will Mr. Gysler yield for another question?

CHAIRMAN GRAYBILL: Mr. Gysler, will you yield?

DELEGATE GYSLER: Certainly.

DELEGATE ARBANAS: In other words, the relationship to higher education is different than to lower education.

DELEGATE GYSLER: I would say yes. I mean, I don't envision except from an overall probably responsibility standpoint -- a member of the board could call up and say to Joe Doakes, executive secretary, get that stuff done. They would have somebody there checking and so on, but more -- not actually under but not too much control. I envision that the board really runs that and the state superintendent is more as at present. But it centralizes it.

DELEGATE ARBANAS: Mr. Champoux, would you yield

STATE PUBLISHING CO. HELENA, MONT.

for a question?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I certainly will.

DELEGATE ARBANAS: As I understand the board system you propose, I get the impression that the state superintendent of schools would be advisory to one board and be advised by the other board. In other words, you've changed the lower board and say that it's now supervisory, so she's more or less being advised by them, and the higher board, she's advisory to them, so to speak. Would that be true -- accurate?

DELEGATE CHAMPOUX: Yes, that is true. You see, our problem with the situation there is, I think one of the major defects of Mr. Gysler's plan is that you have an elected official. Now, under his proposition you are having a lay appointed board giving directions to an elected official.

DELEGATE ARBANAS: Thank you very much.

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Arbanas.

DELEGATE ARBANAS: I'd like to submit to the Convention that, as far as I see in the three plans, there are strengths and weaknesses in all of them, but the thing that would worry me in all three plans is with the higher university system, that there is really nobody in charge when everybody goes home. Now, maybe I'm wrong, but that's the way it seems

STATE PUBLISHING CO. HELENA, MONT.

to me, that when it's all said and done, there's different ways that the board control, but I would like to have seen in the plan, and I think Mr. Rygg brings it out in his discussion, that the commissioner of education there's -- I feel that primary and secondary under all three plans is pretty well taken care of by the superintendent of public instruction but even though we have this new independent board of regents, like Mr. Champoux would suggest to us, there's still no one to take care of it on a day by day basis when everyone's gone home.

CHAIRMAN GRAYBILL: Mrs. Bowman.

DELEGATE BOWMAN: Mr. Chairman, could I ask Mr. Champoux some questions?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I yield.

DELEGATE BOWMAN: Mr. Champoux, the first question I'd like to ask is, how do the two boards mesh with the elected superintendent?

DELEGATE CHAMPOUX: Mesh? In what --

DELEGATE BOWMAN: Well, I can't see how the three of these entities are going to work together--the two boards and the elected superintendent.

DELEGATE CHAMPOUX: Well, I don't know -- in what specific way? They are going to meet together over mutual concerns and I have recommended that we amend that major board

STATE PUBLISHING CO. HELENA, MONT.

so they submit a combined budget, if that's what you mean. Is that the problem?

DELEGATE BOWMAN: Well, it's just the concept that I'm having a little trouble getting --

DELEGATE CHAMPOUX: Well, we have an elected superintendent. Now, if you notice in the Executive article, it says her duties shall be prescribed by law. Now, we have a board here and we also mention, whose duties shall be prescribed by law. Now, the reason why we've done that is to keep it flexible, you see? Is this what you wanted, or --?

CHAIRMAN GRAYBILL: Mrs. Bowman.

DELEGATE BOWMAN: Mr. Chairman, could I ask Mr. Champoux another question?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I will yield.

DELEGATE BOWMAN: Who will really be in charge of education in Montana--the elected superintendent of public instruction, one or two or both of the boards, or the executive which is elected by the board of regents?

DELEGATE CHAMPOUX: Well, what we are after here is a combination of things. First of all, we wanted direct participation by the people and this as we see it are the members of these lay boards. Secondly, we wanted some involvement by the executive branch, directly and indirectly. Directly, we have it through the governor's presence; indirectly, because

STATE PUBLISHING CO. HELENA, MONT.

he nominates these board members. We also wanted some involvement in terms of the legislature and this is why we have confirmation. Another direct involvement by the electorate is the direct election of the state superintendent.

CHAIRMAN GRAYBILL: Mr. Champoux, that's not responsive. She wants to know who runs it.

DELEGATE BOWMAN: Thank you, Mr. Chairman.

DELEGATE CHAMPOUX: Who runs --?

CHAIRMAN GRAYBILL: Yes, she wanted to know who runs education in the state under your plan and you just told her a lot of other things. I'm just pointing out that you haven't answered her question.

DELEGATE CHAMPOUX: As I see it, the boards.

DELEGATE BOWMAN: Could I ask just one final question, Mr. Chairman?

CHAIRMAN GRAYBILL: Yes, Mrs. Bowman.

DELEGATE BOWMAN: Have you considered letting the governor vote on either one or both of the boards?

DELEGATE CHAMPOUX: Yes, we did.

CHAIRMAN GRAYBILL: Mrs. Bowman.

DELEGATE BOWMAN: And you decided that was not a good idea?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Yes, we did. We felt that his influence perhaps would be too much in the fact that he is

STATE PUBLISHING CO. HELENA, MONT.

going to appoint the board members and they come within his term.

DELEGATE BOWMAN: Thank you very much.

CHAIRMAN GRAYBILL: Very well.

Mr. Garlington.

DELEGATE GARLINGTON: Mr. Chairman, I just want to point out that on the basis of the way these three articles are, the superintendent of public education runs the whole educational system and is the officer that has the tie vote to swing the thing if an issue arises, because under section ten there's a board of seven on public education; on section eleven, there's a board of seven on higher education; and section nine expressly says that in the event of a tie vote the superintendent of public instruction votes. So when the higher education people confront the lower education people, the swing is the superintendent of public instruction and there isn't any other way you can put these together. And, I just have to say that we ought to note that that's the kind of architecture that we are drafting.

CHAIRMAN GRAYBILL: Very well.

Mrs. Warden.

DELEGATE WARDEN: Mr. President, would Mr. Champoux yield?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I yield.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE WARDEN: I notice here under section ten -- or, no, section eleven -- you say the board of higher -- the board of regents of higher education which shall govern and control the academic, financial and administrative affairs of the Montana university system. My question is this. Would you envision that the budget of each unit would be presented by the proposed board of regents to the legislature, or would each school--that is, each university unit--propose its own budget and come to the legislature and see how many votes they could garner to get their budget passed in relation to the other person's budget, which is the way it has been operating with a board of regents -- that is, the board of education working ninety-five percent of the time as a board of regents?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Neither of those options, and that is that each unit would come to the board and that's where they would do their lobbying. Then it would be the board, under the present system, that would present the budget, the combined budget, to the legislature. And then when it came back, it would have to be proportioned out according to the original budgets from the different units. Now, if we follow my recommendation, though, and get an amendment to that upper board, then both board will come together as a common board and submit a combined unified budget to the legislature. I don't see these people lobbying, no.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Mrs. Warden.

DELEGATE WARDEN: Mr. President, may I ask him another question?

CHAIRMAN GRAYBILL: Mr. Champoux, will you yield?

DELEGATE CHAMPOUX: I yield.

DELEGATE WARDEN: Under the present system, the board of regents, to my knowledge, has not determined the priority system on buildings on the campuses. Now, by your plan, do you envision that this would work better that the board of regents would do this sort of thing and that they would come to the legislature with priorities for the different schools?

DELEGATE CHAMPOUX: I would assume that this would be argued out within the board itself before they ever came to the legislature, and they would have the power, then, to internally decree where these priorities would go. As of present, they don't.

DELEGATE WARDEN: Well, why would they --

CHAIRMAN GRAYBILL: Mrs. Warden.

DELEGATE WARDEN: Mr. President. Mr. Champoux, would you yield to a third question?

DELEGATE CHAMPOUX: I will yield.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE WARDEN: How would you remedy this? There is nothing in the article that says that things will operate like this. The duties are prescribed by law, of course.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE CHAMPOUX: That's what body corporate is all about. They will have the power then. One of the things that was considered in this committee was -- and it was a proposal--I forget who put it in -- that each unit have -- become a body corporate. That would be probably the worst thing that could happen, but, you see, under this system the board is the body corporate. They have the right then to determine the priorities.

DELEGATE WARDEN: Thank you, Mr. Champoux. Thank you.

DELEGATE CHAMPOUX: Thank you.

CHAIRMAN GRAYBILL: Mr. Toole.

DELEGATE TOOLE: Well, Mr. Chairman, I think Mr. Champoux spoke very completely on the two board system and on the body corporate, and I planned to speak at some length on the same subject, but now find that I don't want to be repititous so my remarks will be brief. The Education Committee has submitted to this body a real blueprint for reform in our system of education. The two amendments now before you contain very little change from 1889. In fact, they lift the language from that section in many ways. I'm not sure that Montana wants to remain one of two states with a single board system and I hope that in our haste to get away on a Saturday night we give this more than cursory attention. I want to call your attention to an incident that I witnessed last year in con-

STATE PUBLISHING CO. HELENA, MONT.

nection with the two boards. The six university presidents were in town for a meeting with the board of education and the board of regents. The board was in the process of a hearing on a complaint from a teacher in the primary schools who had been discharged. The six university presidents were kept waiting for two days during the period of this hearing, and I'm sure the teacher's complaint had merit -- I don't want to make any accusations in that way. It's an illustration of the inefficiency and the impossibility of operating this system, this tremendous system, under one board to keep those six presidents here, waiting for two days during this hearing on a primary school teacher. Now, I want to talk very briefly about the body corporate concept. Mr. Champoux covered it completely. But, I submit to you that you now have before you an example of what's happening in the university system because of the lack of a body corporate type of organization. The university of Montana unit at Missoula recommended three architects for the construction of the new science building to the state board of examiners. These architects were all rejected by the state board of examiners and another architect chosen, and I'm certainly not going to pass judgment on his qualifications. Nevertheless, you've all read in the press -- it's been in every daily paper -- that that building is in a mess, that it does not serve its purpose, that it's going to take substantial funds to put it in shape. Now, had we been oper-

STATE PUBLISHING CO. HELENA, MONT.

ating under the body corporate system, the state board of examiners would not have been able to decline the recommendations of the university system for the hiring of those architects. So far as the housekeeping that Mr. Arbanas is concerned about, the board can easily take care of this themselves through an organization or a director located here in Helena to perform such functions as the board may direct. But, I hope the Convention will give the committee report serious consideration. We do not want to step back into the nineteenth century. I urge the adoption of the committee report and the rejection of the two amendments. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Hanson.

DELEGATE HANSON (ROD): Mr. Chairman, I would like to speak in opposition to the two board system, and we've heard a lot of testimony today about the different studies that have been presented, and so forth, and I would just like to bring up a few figures that came from the session laws. In 1961, our general fund biennium budget was seventy-one million dollars. That was 1961. In 1971, our last session, it was a hundred and eighty-five point six million dollars, and it's estimated and been mentioned on the floor that our 1973 biennium budget would approximate two hundred and fifty million dollars. I don't know how we are going to raise that kind of money, but I just wanted to mention that in the 1971-73 university appropriation budget, the total was eighty-six million

STATE PUBLISHING CO. HELENA, MONT.

seven hundred and seventy-two dollars, which is about fifteen million dollars more than our total general fund budget in 1961 for running all of the state government. And I notice that in this eighty-six million dollars, with one board, we have four hundred and seventy five thousand dollars for the office of the executive secretary of the Montana university system. The state board of regents has three hundred thousand dollars, for a total of seven hundred and seventy-five thousand dollars per year, or a million five hundred and fifty thousand dollars for the biennium, and this is for one board. So, if we were going to have another board we would probably get another million and a half dollars every biennium if we are going to go on this basis.

CHAIRMAN GRAYBILL: Mrs. Robinson.

DELEGATE ROBINSON: Mr. President, I'm not sure exactly how we're going to reconcile any of these three plans with what we've done previously. The majority -- the minority report that this committee adopted of the Executive Committee, we decided to elect the superintendent of public instruction. The rationale behind that decision, which was advocated by the Education Committee, was that the superintendent would be the major state educational officer. I don't believe, although they provided that the duties would be provided by law, that was the theory, that this was the chief educational officer of the state of Montana. I do not feel that any of these three

STATE PUBLISHING CO. HELENA, MONT.

plans that have been proposed encompass that idea, even tacitly. Mr. Gysler's proposal -- I think I agree with Mr. Arbanas. It does make her the executive secretary. She can't even vote and yet she's supposed to be one of the policy planners and she can't even vote on that board. In Mr. Driscoll's plan, also, she is an ex-officio member. I would hardly think under his plan she could be the chief educational policy planner. Now, under the majority report, the superintendent of public instruction is mentioned several times. The only real major function that is stipulated that she serve is that she may vote in case of a tie when the two boards meet together and that she serves as an ex-officio member on both of the boards. In neither case is she really a part of the policy making process. I think that this perhaps in some way should be reconciled. Under the majority plan -- which I do favor the two boards -- it seems to me kind of a vacuum in terms of who is really going to be responsible. You have the board of regents of higher education who elect their own executive officer. You have the board of public education, and there's no provision at all for an executive officer. Maybe it can be inferred that the superintendent of public instruction will be the executive officer of that board, but it certainly doesn't say so. Most of the state constitutions, at least the last nine that have been adopted, you know, do not try to reconcile what we are trying to reconcile here--the fact that we've already got the

STATE PUBLISHING CO. HELENA, MONT.

superintendent of public instruction created in the executive branch, which really has nothing to do with the executive branch but deals with education, and here we are in the Education article and we're trying to work around what we already adopted in another article that didn't have anything to do with that article. It seems that we are really going to have to decide if what we did in the Executive branch, you know, if that's what we really intend -- if we really want the superintendent of public instruction to be in charge of the education of the state of Montana, then I think all three of these plans are going to have to be re-examined.

CHAIRMAN GRAYBILL: Mr. Martin.

DELEGATE MARTIN: Mr. Chairman, the executive plan has been adopted and it does prescribe that we elect a superintendent of public instruction. I think that there was a good deal of merit in Mr. Rygg's plan and I toyed with the idea of having an article that would read something -- or suggesting one that would read something like this--that the education -- that the superintendent of public instruction should be the executive officer of education in Montana and that a board could be appointed. I have since decided, and I think I would support the amendment that was offered by Mr. Gysler for the reason that in my opinion, based on the testimony that the Executive Committee had with the educational officers as well as the joint committee meeting with the Education Committee,

STATE PUBLISHING CO. HELENA, MONT.

that we found this situation developed. We find a lot of headless monsters. The vo-tech doesn't have any direction. The community college doesn't have any direction. All of these other factors in education aren't interrelated and interconnected and we don't have one board or one power to direct education in Montana. As I told in the colloquy that we had with Mrs. Colburg, I said that in my opinion what we need in education is integration, not segregation. I think that this would be based on the experience of what I have observed down through the years as far as the university system. You've got competing units of the six units, and without having some sort of an executive officer, you're going to be in trouble. I think we could take a page from what happened in the department of administration when we established a board and set in motion a group which takes the prison, the home at Boulder, and all of the other units, and puts them together and they have had little trouble with the legislature and they have effectively worked. I think the same thing could be done here and under Mr. Gysler's amendment the superintendent of public instruction could employ, just as she has in other instances, could employ someone to be executive secretary of the university units and could work. We had this testimony from some of the board members, and to mention another special interest which Rick didn't convey or mention, the M.E.A. has taken the position that they retain the present constitutional provision, which

STATE PUBLISHING CO. HELENA, MONT.

establishes a single state board of education capable of governing and supervising all levels of public education. We've heard statements today and we've studied, and those of us who have been in the field of education, recognize that there are some real changes going on in education. I think that Mr. Gysler pointed out that probably by 1980, less than twenty percent will be going to college. There will be special training and special training programs. I think that in our testimony it developed that perhaps there needs some revamping in the elementary and secondary education program. It requires and will require some intensive study on the part of some boards and I think that instead of integrating -- segregating and dividing this all up, we would be a lot better off to retain a single board.

CHAIRMAN GRAYBILL: Mr. Scanlin.

DELEGATE SCANLIN: Mr. Chairman, would the committee turn to page five, line thirty, and just listen to the following: The state board of education shall meet at least quarterly with primary attention given to a unified budget. The superintendent of public instruction shall be chairman of this board.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: First of all, I want to answer Mr. Martin. Mr. Martin, on your desk yesterday morning you received a cover letter from me with three other letters in it

STATE PUBLISHING CO. HELENA, MONT.

in support for this proposal. The top one is from the Montana Education Association, which says -- they did -- you're right -- originally oppose at our hearings the two board system. However, now, they unequivocally accept it. It says: We have studied the committee proposal carefully and wish to commend you and your committee for developing an excellent article on education for the new Constitution. The proposal shows the results of a great deal of work, careful thought and excellent leadership. The only suggestion we have is that there should be constitutional safeguards for the investment of state trust funds. This was taken care of last Saturday in the Revenue and Finance Committee thing. We should like to express our appreciation to you and your committee members for the courtesy and consideration given to all who wished to appear before the committee, and so forth. The last sentence -- again, thank you very much for your excellent work. It has been a long, arduous task and we are careful -- we are grateful. The M.E.A. does support the two board concept that we have proposed, unequivocally. All right, let's look at Mr. Gysler's -- may I speak to Mr. Gysler's proposal?

CHAIRMAN GRAYBILL: Certainly.

DELEGATE CHAMPOUX: All right, let's look at this --

CHAIRMAN GRAYBILL: Briefly.

DELEGATE CHAMPOUX: Yes. Yes, sir.

(Laughter)

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE CHAMPOUX: Fourteen members of the committee--we looked at that. Can you imagine fourteen members sitting in one room, all agreeing? It's too many on a committee. All right, we're concerned about vo-tech. If you look at ours it's very flexible. It takes care of vo-tech all the way through and for the future. Mr. Gysler's and Mr. Driscoll's proposition doesn't get to the problem. All right, let's talk about the comment in the Great Falls Tribune yesterday. That was not directed at the local state -- local boards of education. It was directed at a special interest group that's been lobbying this Convention since the day it opened, the Montana School Boards Association. All right, if you have one board, the upper board, you have one budget, how can you say there's going to be competition? Another thing, the state superintendent of public instruction overwhelmingly supports the two board principle and if she is in this room today, we can bring her right down here and she'll testify. Let's look at the people --

CHAIRMAN GRAYBILL: You can't do that, Mr. Champoux.

DELEGATE CHAMPOUX: I know.

(Laughter)

DELEGATE CHAMPOUX: I know, but I just want to clear up some of these misconceptions here. If we look at the total of the people that testified before our committee -- and here

STATE PUBLISHING CO. HELENA, MONT.

it is, it's compiled. These are the people who testified for the two board system: the Montana Federation of Teachers; the P.T.A.; Bob Jovick, who was representing the Montana Student Presidents Association ; the County Superintendent of Schools Association; Robert Pantzer, the president of the university of Montana, representing the presidents of the university system; James Short, Western Montana College; Governor Anderson was ambiguous --

(Laughter)

DELEGATE CHAMPOUX: I didn't mean that -- he was going both ways.

(Laughter)

DELEGATE CHAMPOUX: It was unclear. Dolores Colburg does support the two board system. The faculty center at Eastern Montana College, all the community college presidents. Who were the groups against it? The Montana School Boards Association and the vo-tech centers. Thank you, sir.

CHAIRMAN GRAYBILL: Mrs. Eck.

DELEGATE ECK: First I would like to announce to the group my interest in education, the fact that I have been a part of the university community as a student and as a part time student and as a part time teacher and a faculty wife, and I have also spent a lot of time with legislators who have been very much concerned about the direction of our university program. Somehow, I think that most of us found this whole

STATE PUBLISHING CO. HELENA, MONT.

issue to be one of the most frustrating ones we've dealt with during the campaign, and I think that I came over here expecting somehow for a light to flash and all the problems be solved. My frustration, I think, is that I would like to see some really strong direction, some central direction to the whole university system, and I think most of us involved in education feel this same thing. Yet, we see this program of a board of regents and we're not sure that this board of regents is going to be very much stronger than our board of education, which also sits as a board of regents. And we considered all kinds of ideas. You know, we thought about letting the board of education be elected, or having the legislature elect the board of regents, or having nominations come from groups of faculty people and student people and taxpayers around the state so that we got a group of people that would really concentrate attention on the problems. We have also considered the fact that Mr. Rygg brought up, that probably the one thing we need is some really strong leadership at the top, someone who is really in charge, and it's frustrating to look at a plan and not be able to determine who really is in charge. But on the other hand, I think that if we considered the various possibilities that we have to work with and look at the majority plan report, there is a great deal of flexibility here. It's not giving us, you know, a beautiful answer that we can see in black and white that is going to start working next year. It

STATE PUBLISHING CO. HELENA, MONT.

leaves a great deal to the legislature. I can see a plan such as Mr. Rygg proposed actually working under this two board system. I can see the possibility of the elected superintendent of schools being given some real responsibility, maybe almost complete authority, in the area of public education. I think it would be perfectly possible for the board of regents to hire a very strong administrator who would be something like a chancellor or a commissioner of education. I think that the possibilities that are presented in the majority report are the kind of possibilities that our legislature and our board of education can work with for a long time to come and they won't be limiting. On the other hand, I look at the two amendments and I can't see, really, any change from what we have now, which has not really proven to be very satisfactory. The only addition is really the addition of a couple of more board members and, true, this could help but we don't have any indication that a couple more people on the board are going to make that much difference. I don't see this as any great panacea to the problems, but I do think that the majority report has been looked at by educators of all kinds from around Montana and has given them some confidence that this is a good way for us to go. I don't think that by debating this thing all night we're going to have -- come up with some original, great idea of what to do, and I strongly recommend that we go along with the majority report. Thank you.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: Mr. Chairman, I have listened to the arguments pro and con and I gather that our paramount reason for being here is, first, of course, to make sure that the citizens of the state of Montana are protected with respect to their rights as citizens; and, second, when we construct government, that it be efficient and economic. I have looked at the majority report and I think what they're trying to do is give us a more efficient and a more economical system. In the professions, there is a substantial trend towards specialization. The medical profession has demonstrated that to us over the years and as a consequence they have increased the progress and the advance of medical science toward the frontiers that have provided us with problems. The legal profession is moving in that direction, and I submit to you that as the educational system expands and becomes more complex, that same degree of expertise is required. The higher education system in Montana has problems that are opposed to the problems that exist in the public school system. I think that it is far better to have separate groups who are connected with those particular systems who, through time and experience and devotion to that particular area of educational jurisdiction, can develop the type of expertise that's going to result in efficiency and economy. And, consequently, I submit that the two board system commends itself to us at this time. I note,

STATE PUBLISHING CO. HELENA, MONT.

too, that all eleven members of the Education Committee support the two board system. I think after four weeks of study, and with respect for their position as individuals particularly interested in education, that they should be recognized for their expertise in the area, and unless we have some real reason for disagreeing with their report, we should accept it. I do have one concern, and I share this concern with my fellow Delegate from Butte, Mr. Driscoll. I think the vo-tech educational program is probably as important a program as we could have in the state of Montana. I do not think a liberal arts degree for everyone is necessarily a good thing. I am satisfied that for the majority of the young men that want to find a place in the working society in which we live, that a vo-tech education for them is the real answer, and I would like to inquire of the chairman of the Education Committee, if he will return, as to the proper place of the vo-tech program with respect to the two boards. Mr. Chairman, may I inquire and will Mr. Champoux yield to that inquiry?

CHAIRMAN GRAYBILL: Mr. Champoux, will you yield?

DELEGATE CHAMPOUX: I will yield, sir.

DELEGATE DAHOOD: Mr. Champoux, will you tell us under which board--the board of public education or the board of regents--you would place the vocational education program of Montana?

DELEGATE CHAMPOUX: The board of public education,

STATE PUBLISHING CO. HELENA, MONT.

sir.

DELEGATE DAHOOD: Thank you very much. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Aasheim.

DELEGATE AASHEIM: Mr. Chairman, I think that if you were to ask each member of this committee, they would be the first to say that they are not experts in this field. There are no experts in solving this problem, and I assure you, no matter which way we go, we will live with it and we will still have many problems. Right now, I can go either way and I'll be unhappy.

(Laughter)

DELEGATE AASHEIM: Now, you're talking about a single strong head. We tried that. We had chancellors. We had good chancellors and they were strong chancellors, but they could not last because they were too good. The last one was tremendous. So, let's forget about that. And, also let's go back and analyze our present operations. The people who control the purse strings of the university system are the people we send to this legislative body, and in case you don't realize how they function, let me tell you. The appropriations committee divides itself up into groups and these groups go, not only to the institutions but they go to the university units, and they analyze and they talk with the presidents and the heads of the departments and ask them what they need for

STATE PUBLISHING CO. HELENA, MONT.

the operation of the university system. Now, they control the purse strings and no matter what you do with the body corporate the legislature will control the purse strings. They've got to. Now, what they want with this body corporate, whether you like it or not, they want the money allocated to them and they want to spend it whatever way they please. If I were president, I would also. Wouldn't you? They don't want to have to answer to anybody, whether they use Mary Doe for secretary today and Helen Jones another time. They don't want to have to report back here to Helena how they spend their money. That's about what it means. They also want to have more authority about their curriculum. Now, then, where does the present state board of education fit into this picture today? Actually they don't do much as far as administration is concerned. They advise the presidents. They approve curriculum changes, yes, and here's where you have problems. The president of one institution wants to put in a new course. The president of another one wants the same course and you have a little competition here, not only in the area of curriculum but in other areas, so this is a very difficult proposition to reconcile the differences between these university heads. It's a big problem. That's why a chancellor couldn't operate because it wasn't only the presidents, it was the downtown quarterbacks that were also pressuring the chancellor. So, let's reconcile ourselves to living with a board. Now, I'm thinking about

STATE PUBLISHING CO. HELENA, MONT.

this -- I lean to Mr. Gysler's and Mr. Driscoll's system because I fear very much the setting up of one board of regents as being -- controlling our educational -- higher educational system. Now, Mr. Champoux, I'm going to direct to you because you are the spokesman here. You're political science. Naturally we are concerned with the particular area we are centered. We are going to work for this political science, someone else is going to work for mathematics, and someone else is going to work for other areas of social science. What I am getting at is this--we become centered in the area in which we are trained, and in the process of setting up a board of regents, the board of regents is going to be concerned about higher education only. Why do we teach algebra today in high school? Why? Because the university system says you have to have it sometimes to get into our system. There are other matters we could talk about in that same area. They are determining what is going to come up from down below. Now, Mr. Gysler, you said you were proud about the fact that you had sixty-seven percent of your graduates going to college. Very commendable, but I wonder if it is so commendable after the record we have seen over the past years. The people who are going to college are not too happy with college. Very slowly we are changing this concept of education. The need to make the student happy with what he is taking and also to fulfill a place in society. Now, here we have a board of regents and all it's concerned about

STATE PUBLISHING CO. HELENA, MONT.

is the higher educational system. Don't we need somebody who will start with kindergarten to elementary to high school, vo-tech and college? Shouldn't they all be integrated? And I maintain that if we have twelve members on the board we can divide this board into three units -- higher education, public schools and vo-tech. Can't they concentrate in this big board? Can't the four people go to the university system, which I'm sure the eight aren't doing now, and find the problems? Can't four do it better? Can't four people study vo-tech better? Can't four study the problems of elementary education better? And then, can't they come together like we have done here in our committee system and talk their problems over? They will not be competing for money. They'll say, we've got to put this whole thing together. Therefore, I urge you to give serious consideration to the other two proposals. As I said, I'll be happy with any of them.

CHAIRMAN GRAYBILL: Mr. Hanson.

DELEGATE ROD HANSON: Mr. Chairman, I rise in support of either the Gysler or the Driscoll, at the moment, amendment -- whichever we get to first, I guess. It seems to me like we've spent several hours here just a few days ago trying to decide how we could control the funds that the state highway department gets and talking about having a fourth house, or whatever you want to call it, there and now we're talking here today about doing the same thing again in the ed-

STATE PUBLISHING CO. HELENA, MONT.

ucation department. I would think that a proposal like Mr. Gysler has, that with the state superintendent of public instruction as the executive officer of the board, now I would think that she could operate as the executive officer, not as the executive secretary, and through this type of a provision you could develop an organization whereby you could have a policy setting board and an administrative person who could hire a staff and do a sufficient job along these lines, and yet have this same type of control that we have now back through the legislature, instead of getting another monstrosity, if you want to call it that, like we were talking about in the highway department just a few days ago for several hours.

CHAIRMAN GRAYBILL: Mr. Toole.

DELEGATE TOOLE: Mr. Chairman, may I respond to Mr. Hanson's remarks. Of course, there is a fundamental difference, Mr. Hanson, in these two agencies--the fundamental difference being that the legislature still has the purse strings on the educational system under the two board, the committee report. The legislature does not have the purse strings in the highway department. That's the fundamental difference. Any other comparisons, of course, don't -- or inconsistencies don't bear water -- hold water -- because, of course, the whole business of academic freedom, curriculum, and individual liberties are not involved in the highway department, so any inconsistency that might be taken -- might be charged against me

STATE PUBLISHING CO. HELENA, MONT.

in this regard doesn't hold water. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Arbanas.

DELEGATE ARBANAS: Mr. Chairman, fellow Delegates, I would like to follow up first of all on what Delegate Martin had to say about the need for integration, not segregation, and then what Delegate Aasheim and then what Delegate Hanson had to say. I really think we are going to divide ourselves into probably two groups, you know, the one board group and the two board group, and I, at the present time, feel that the strongest proposition we have before us is the proposition of Mr. Gysler, but when I talked to him on the -- with regard to the role of the superintendent of public instruction, we got kind of mixed up in going back and forth and I made some conferences with him, and I think it's important for us to consider as we see the strengths and weaknesses of both sides that at least at the present time, and this is informal at this present moment, that he would be willing to accept this kind of an amendment if we ever got to that point: The state superintendent of public instruction shall be the executive officer of the board -- that's as far as it's printed on the page -- and then go on and say, and shall be the state commissioner of the educational system of the state. The intention would be, of course, to take Mr. Gysler's plan and amplify, as Mr. Hanson was hinting at, that this being the executive officer would be equivalent to being the state commissioner of educa-

STATE PUBLISHING CO. HELENA, MONT.

tion. I think you'd have to go a long ways to find a more unified and stronger executive plan than that, with one board large enough to divide into several interest groups and a state commissioner of education elected by the people, who is subject to the board and actually in control of the education of the state. I think that's where I stand right now.

CHAIRMAN GRAYBILL: Mr. Wilson.

DELEGATE WILSON: Mr. President, I've listened here the biggest part of the afternoon to some very eloquent displays of orientation of education, but I will have to agree with Mr. Gysler's proposed amendment. I think that in all fairness to the people, the young people of the state, the taxpayers of the state, that one board can better sit down together and analyze the problems of education. I think further that the state of Montana and the people of Montana are very much concerned today about education, and I think that as your legislature convenes again and takes another look at education, that they are going to become more conscious of the problems. I have talked to many, many people across the state of Montana that are so thoroughly upset with the present system of higher education that they are in a quandry as to whether they even want to send their youngsters on to higher education, the way it is run today. Now, these are the problems that is confronting the educational system and the structure as it is today. If there isn't some improvement, you're going to have a

STATE PUBLISHING CO. HELENA, MONT.

taxpayers' revolt because the educational system takes about a seventy percent bite out of your tax dollar and we want to see good education, and we want everyone to take another good look at it. I can visualize under the two board system that you will have a two-headed monster that will be going off in separate directions, pressuring the legislature for funds, particularly for higher education, and you'll have a lower board for elementary education that will be working in the other direction. But, if you have one board that can divide itself into subcommittees to study the different factions, vocational, elementary and higher education, and then come together and put their feet under the table and talk about these things, I think they can provide better direction for education to go. I think that we need to really examine this proposition. I don't want to see a high dynasty set up and I don't think any of us here do, and particularly the taxpayer. And I think your legislature in the future will subscribe to these duties and I think they will take appropriate action and as far as having a directive -- an executive director -- they can also prescribe this if they see fit. But, let's give the legislature the flexibility and control that they need to have in working out the problems with future educational systems.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: Mr. Chairman, I think there are several things that have emerged for just a plain man looking

STATE PUBLISHING CO. HELENA, MONT.

at this situation. One is an obvious thing to me, that we need a division of labor. I think that every person here knows that you would not expect anybody to be an expert on graduate education, as far as the university system is concerned, and have that same person really knowledgeable about kindergarten, elementary, secondary education. There just simply has to be a division of labor and everybody who has spoken has admitted to this, whether we call it a basic one board approach or two or what. If you don't call it a board of regents, then call it something else, but some group has to be specially concerned about higher education in this state or we will just simply take a step backward on this. I think most people understand -- now, I'm just talking as a private citizen who doesn't know all the ins and outs of it -- but when I vote for a superintendent of public instruction, I, in the past few years, have voted for a lady school teacher. Now, in my mind, the superintendent of public instruction relates to the state board of education and the state educational system the way the superintendent of public instruction in Helena relates to our school board and to our elementary and secondary education, and I think the thing that is written into the majority report gives the legislature -- and into our whole Constitution -- gives the legislature a chance to spell this kind of detail out. That's where I think she or he belongs and not having to try to find a person who can be an

STATE PUBLISHING CO. HELENA, MONT.

expert, both for elementary education and for higher education. Secondly, I think we all understand we need a combined budget approach. We do not want this business continued of every different agency running to the state legislature, vying for a position for appropriations, and with the kind of amendment that I have sent to the Chair for section nine of one sentence, I think we can make this state board of education that agency that can do this business of forming a plan for allocating funds and of one single approach to the legislature about funds. Thirdly, and we're all agreed that the legislature needs to have and does have, in fact, control of appropriations of money. Now, this is all complex. I'm sorry now that the report that came from the majority did not say that we call for one state board of education with two sections, because really, if you read it, that's what it says. We have two boards, we're calling them, and you've all referred to it as a two board system, but section nine says there shall be a state board of education which, with a little doctoring and amending, can be set there to combine the efforts, particularly in terms of allocating funds and making approach to the legislature in a one board system. So, I think we ought to stick with the majority report, beat on the floor on the vote these two amendments that are so-called one board, though they call for different committees, and then take the basic approach that this committee has worked out in this complicated area for

STATE PUBLISHING CO. HELENA, MONT.

weeks and weeks of intensive study, and amend it until it says exactly what we want.

CHAIRMAN GRAYBILL: Very well, the question is on Mr. Driscoll's amendment to Mr. Gysler's amendment, which is a substitute to the majority report. I merely want to point out that the Chair intends to debate this and then you may decide which way we're going, and we now have several other amendments, once we know which way we're going. Who wants to be next?

Mr. Heliker.

DELEGATE HELIKER: Mr. Chairman, I rise to speak on this issue from a multitude of conflicts of interest. You all know, of course, that I'm a professor of economics at the university of Montana. What some of you may not know is that I'm the president of the university teachers' union, which is a local -- Local 497 -- with the American Federation of Teachers, which is affiliated with the AFL-CIO. This is the second time I have been president of that organization. The first was in 1960. Since 1960, I have, off and on, mostly on, engaged in a running battle with the administration of the university in a fight for more faculty rights as compared to the administration--more faculty power, if you will, against the administration. The administration, of course, represents the board of regents. Now, there is no question I think that a board of regents with more power, as the majority proposes to

STATE PUBLISHING CO. HELENA, MONT.

give it, could be more difficult for the faculty to deal with. Certainly, it is generally true that a weak administration or management, if you want to call it that, means at least the possibility of greater faculty control -- easier to manipulate. Now, my second interest is that, being involved in the American Federation of Teachers, I'm necessarily involved in AFL-CIO. I know the state leadership of the state AFL-CIO, many of the local leaders around the state. I, in general, sympathize with their objectives. You probably -- many of you, I know, did receive a letter from James Murry, executive director of the AFL-CIO, on the matter which is now before us, and that letter was critical of the majority proposal. It said a lot of things which I think Mr. Champoux has effectively answered, a lot of things which were in essence untrue, and some other things which, if true, can certainly be handled easily in this Convention with little damage to the majority's proposal. On the other hand, the AFL-CIO's problems are real problems. What they are hung up on, to be quite frank with you, is the fact that they have had considerable amount of trouble in dealing with university unit administrators. I'm talking about negotiations for labor contracts by the plumbers and the other craft unions, such unions as that that deal with the non-academic personnel. I can testify from my own experience that there are some pretty hard characters among the administrations of these units, difficult to deal with, and I can certainly

STATE PUBLISHING CO. HELENA, MONT.

sympathize with the AFL-CIO's feeling that they need to keep some sort of handle through the legislature or through other means on the university unit managements. Now, on the other hand, my interest -- my third interest in this affair is that I am, as I said, a professor of economics at the university of Montana and have been for the last seventeen years, and that I have two children who are attending two units of the university system at the present time, one at Missoula and one at Bozeman -- one about to graduate at Bozeman in mechanical engineering. and as a professor and as a parent and as a Montanan, I want the best university that we can afford. I want it for myself because I work there, I want it for my kids because that's where they're getting their education, and I want it for all Montana kids with whom I have associated these last seventeen years. Now, how to resolve these conflicts? Well, it seems to me there can be no question that the excellence of the university system must take precedence over any other consideration. We in the university teachers' union may find our problem more difficult if you adopt the majority proposal but we will work with it and we will find ways to work with it. The AFL-CIO and some of its constituent unions may find it a little more difficult, but they are going to have to solve those problems in the way unions usually solve their problems--by better organization, by better negotiation, and it seems to me not by twisting the legislators' arms and putting indirect

STATE PUBLISHING CO. HELENA, MONT.

pressure on the university administration. Now, I spoke of excellence. What does excellence in the university system require? It requires, of course, first of all, money but we are always short of that and we always will be short of that and we are going to have to work within the constraints of the money that's available from the citizens of Montana. The second thing it seems to me that makes for excellence in a university system is a strong, unified management. The third thing is a faculty free from political intimidation--not necessarily from political influence but political intimidation. Fourth, what excellence requires, it seems to me, is the support and understanding of the public, the people of Montana. Now, how will the majority proposal affect the excellence of the university system. In the first place, as regard to money, it's not going to get us more money but it means the money we do get will be more efficiently used and that's the same thing as more money. As to unified management, this, of course, is the name of the majority proposal. It means unified budget development, unified budget presentation, and it means unified management of the appropriated funds. As to the freedom of the faculty, it will, of course, mean more insulation from the legislature, less of the sort of thing we had in the Morton Borden case, although the legislature is still going to be the boss because he who controls the purse strings is going to call the tune and this body that meets here will control the

STATE PUBLISHING CO. HELENA, MONT.

purse strings--most of them, at any rate--and it will have the say as to the overall direction of the university system. Finally, as to the support and understanding of the people of Montana, I think Mr. Wilson is probably correct when he says that the people are at the present time somewhat disaffected with the university system, perhaps less so at the present time than they have been in the past, but I think the establishment of a strong board of regents that can really manage this system will have the effect over a period of time of increasing the people's confidence in the system because the board of regents with that kind of authority will have the flexibility -- will have the ability to manage that they do not have now. Now, we may hope also that such unified management will lead to some elimination, or at least reduction in the unseemly competition between the units, which I think is a source of a good bit of the criticism of the university system by the people, and I think a justifiable criticism. Now, if you defeat the proposed amendments, which I hope you will so we can get back to the majority proposal, it is my intention and the intention of certain other Delegates to propose amendments to the proposal which will allay some of the fears which have been expressed concerning it. On the matter of financial accountability, Delegate Aasheim says the university administrations don't want to report back here to Helena how they spend their money. This simply is not true.

STATE PUBLISHING CO. HELENA, MONT.

And I don't think that anyone ever supposed that the majority proposal would free the university from financial accountability particularly from a legislative audit, but if there is any such possibility in this proposal, then certainly we ought to amend it and I will so propose to put in explicit provisions mandating legislative audit of the university. As to the term body corporate, the term body corporate as applied to the board of regents isn't any different than the term body corporate as applied to a local school board, and I don't think we ought to get hung up on that term, but if it is something like the public trust, which bothers people because of words, then take it out because it isn't all that important. Now, finally, what to do about vo-tech. I wish that we could simply propose an amendment which would take care of Maurice Driscoll's problem, whatever it may be because I don't really understand it. I don't think that anyone in the university system wants vo-tech. I don't think the board of regents would want it except as it relates -- that term may cover such things as are presently in the program at Northern college at Havre, which is one of the very effective parts of the university system which should be under the board of regents now and in the future, and I think we must leave to the legislature the flexibility, the ability as conditions change to allocate responsibility as is reasonably necessary. I don't think there's any way we can solve this problem here by some kind of an amendment to the

STATE PUBLISHING CO. HELENA, MONT.

proposal of the majority which would say that vo-tech shall be under the control of one or the other boards, because as a practical matter it is now partly under one and partly under the other. We do, of course, at the present time have a two board system in the guise of a one board system and because the two boards are combined as one they don't work very well because the board spends so much time on its duties as a board of education that it interferes with its performance of its duties as a board of regents and it would be certainly much more efficient to separate them. Now, as to Mrs. Robinson's problem to the extent that it isn't simply because her car wouldn't start this noon, I think we can safely leave this question of the duties of the superintendent of public instruction as we said we would in the Executive article to the legislature, and Mrs. Colburg apparently thinks, and I see no reason to dispute her judgment, that the result will be satisfactory. Thank you very much.

CHAIRMAN GRAYBILL: Mrs. Bates.

DELEGATE BATES: Mr. President, fellow Delegates, I feel, too, that since we have continued to call the superintendent of schools an elective constitutional office that she should have responsibility and not be an ex-officio board member regardless of what type of board we set up. In coming here, as Dorothy has told you earlier, we were undecided what direction we must take--a one or two board. Early in the Con-

STATE PUBLISHING CO. HELENA, MONT.

vention we received a questionnaire that came from one of the vice presidents of the university at Montana State, and it was almost evenly divided amongst two groups as to a single board or a two board. Most recently, I received a questionnaire from the chamber of commerce in Bozeman. In checking over their eighteen questions, I find that they are evenly divided. They have seven of their proposals -- they've won seven and lost seven so far to things we have done here. As far as the two board, they were almost two to one against a two board. Now, this is a university town. The -- I was wondering, Mr. President, now we have two substitute motions, would it be out of order to have an amendment at this time?

CHAIRMAN GRAYBILL: Yes.

DELEGATE BATES: To the substitute -- O.K.

CHAIRMAN GRAYBILL: Unless you have a third major plan.

DELEGATE BATES: No, I do not have a third.

CHAIRMAN GRAYBILL: I want to find out which way we're going and when we know which way we're going we'll then consider and amend that particular plan as much as we need.

DELEGATE BATES: O.K., fine. Thank you, Mr. President. I feel very strongly that the superintendent -- and we must have responsibility someplace and I don't feel the majority plan points to that responsibility. Thank you.

CHAIRMAN GRAYBILL: Mrs. Bates and members of the

STATE PUBLISHING CO. HELENA, MONT.

body, the Chair would like to observe that ex-officio means that they are members of the board from their office. In both the Driscoll and Gysler plans, they would be voting members. In the majority plan it says ex-officio non-voting members, at least in section ten, the board of education, and in that case they would not be voting, but ex-officio does not mean you do not vote. Just so everybody understands.

CHAIRMAN GRAYBILL: Mr. Burkhardt.

DELEGATE BURKHARDT: Mr. Chairman and fellow Delegates, I rise to speak against the two amendments and in favor of the majority proposal which has come in, and I'm looking forward to seeing the amendments which you have on your desks relating to that, so I'll be brief. Let me give you a bit of the feeling of this committee as we've lived and worked together over these weeks. Rich Champoux, I've gained great respect for as a human being, as a former Bostonian and as a Montanan. He's a slave driver. We met early morning, at night, at noon, and listened to many, many people in many, many fields, and I feel he has done a very creditable job, as have other members of the committee in assessing our needs and trying to lay the foundation for the future that would be a sort of growing kind of opportunity for our young people, whether they be in the lower grades or in vo-tech or in higher education facilities or programs. I think one of the problems has been, as we have tried to deal with this on the floor and

STATE PUBLISHING CO. HELENA, MONT.

as different individuals have tried to address themselves to it, something to the effect that Marshall McLewen as he sort of put into memorable terms when he said, one of our problems in looking at the future is that we tend to go through life looking through a rear vision mirror, and it's awfully hard to drive down the road if your line of sight is constantly in the rear vision mirror. You've got to look there every once in a while; it's important, but you can't make it if you have that kind of orientation altogether. It seemed to me as we listened to testimony from those who were feeling threatened, really, and quite defensive about the thought that possibly higher education would be given some kind of more than equal status by our proposal. There was the feeling that it was our intent that they should win and other people should lose in this admittedly limited field of finance which we have in our state. All of us know that we are a capital deficit area; we have to depend on outside capital. No institution in this state is financed adequately. None of them are endowed. That is just a fact of life, but our intent as a committee, and I think if you look at it and allow yourself to look at it in a fresh way, was to strengthen all aspects of education in the state, not to promote one at the expense of the other. I think those who have seen the work of university presidents and lobbyists in the past in the legislative halls will be pleasantly surprised in the future to find that this combined board will

STATE
PUBLISHING CO.
HELENA, MONT.
3

come in with something unified if these amendments are stated in the way I feel they are going to be stated, and it will have something very much a step ahead that will help all of us in all of our programs. I think that Mr. Heliker made a very beautiful statement. I won't attempt to repeat it. It seems to me as we look ahead we have to provide the kind of foundation that will allow for the kind of future we are going to be living and it's going to require more and more education, whether you think about it in terms of orientation toward vocations or not, there will be more education demanded in the years to come as the explosion of knowledge goes on and our society grows more and more complex. How do you provide for it? What do you do to make the best kind of opportunities available? I don't know that we have solved it but we feel we have taken a step or two that gets us out of some of the snafus of the past and may allow us to take a step or two forward, but it doesn't settle it for all time and it does leave the people of this state and our legislature much to do in implementing it. I think the specialization thing is the thing that has convinced me and the clear delegation of authority and so I feel that this proposal as we have it is a strong one for the guys who have to represent people in the outlying areas of our state. I think somehow you need to know that once I went out and got on a horse and I didn't know what I was doing, but I was asked by Sterling Loney and Jules Atune one time to come

STATE PUBLISHING CO. HELENA, MONT.

watch them brand some cattle out in Sarpy, east of Hardin, and they were branding their own stuff as far as I know. I think it was theirs. And they put me on that horse and I was circling around a bunch of bulls who were pawing the ground and snorting and fighting the flies, and I'm glad the horse knew what he was doing because I was scared to death, just riding in a circle. They didn't have any corral. You were just out in the open. You had to do this thing. But, the guys who were doing the branding knew what they were doing and those calves weren't all two weeks old. Some of them were pretty husky. They seemed to know how to use the momentum of the calf himself, to catch him and throw a knee into his ribs and lay him down with an ear and hind quarter grasp. They gave him a knee to the ribs and down he went. They used his momentum, and all I'm saying is, in the time in which we are living we've got to use the momentum of the time which we're a part of, and we've got to use the facilities and resources and skills which our society provides, and we have tried to do that. You guys understand that as well as we do. You use the best skills for your work that you can bring to it. We feel we have done that as a committee. Thank you.

CHAIRMAN GRAYBILL: Mr. Burkhardt, you had Mrs. Pemberton's attention for the first time today.

(Laughter)

CHAIRMAN GRAYBILL: Mr. Martin.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE MARTIN: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Martin, will you yield? I suppose I'd --

DELEGATE MARTIN: Yes, I'll yield.

(Laughter)

DELEGATE PEMBERTON: Mr. Chairman, first I'm flattered to have had your attention --

(Laughter)

DELEGATE PEMBERTON: -- and I think Mr. Burkhardt is also flattered to have mine after some of the things that have gone on between us. Thank you.

CHAIRMAN GRAYBILL: Mr. Martin.

DELEGATE MARTIN: Mr. Chairman, I just want to take a minute to say that until Rick Champoux mentioned the letter and the material that was put on our desks yesterday, I didn't know about it and couldn't find it on this disheveled desk of mine, and my good seat mate here, Mrs. Mansfield, got it out for me, and I apologize.

CHAIRMAN GRAYBILL: Very well, are there other people who want to talk before we vote on these three proposals?

Mr. Blaylock, do you have a question?

DELEGATE BLAYLOCK: Yes. Mr. Champoux, would you yield to a question?

DELEGATE CHAMPOUX: I yield, Mr. Chairman.

DELEGATE BLAYLOCK: Rick, you, I think, would agree

STATE PUBLISHING CO. HELENA, MONT.

with what Mr. Burkhardt said a moment ago that we are a capital deficit state, that we need money, that we're going to -- it's always a struggle to get enough money. As I understand it under your plan with this two board system, that when it comes to allocating the money, you are asking the legislature for the money, that these two boards will come together and work out an agreement between the two boards as to how much money they are going to ask for. Now, if they are both championing their own cause -- in one case the higher education and in the other case the primary and secondary -- what if those two boards cannot agree? Now, what are you going to do?

DELEGATE CHAMPOUX: Well, if we can ever get these two boards through, we have an amendment -- Mr. Harper has suggested it -- a unified budget -- and I believe Mr. Garlington, are you going to move?

DELEGATE GARLINGTON: (Inaudible. Microphone not turned on.)

DELEGATE CHAMPOUX: He's going to move that the governor be the chief of the board. Is that correct?

DELEGATE GARLINGTON: (Nodding affirmatively)

DELEGATE CHAMPOUX: And I believe Mr. Scanlin down here has another one making the state superintendent the chief of the board, so if we get to that point we might be able to solve some of these things. Thank you.

CHAIRMAN GRAYBILL: Mr. Romney.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE ROMNEY: Mr. Chairman, I'm certainly not an expert in the field of either higher or lower education, but I do know what I want. I want the legislature to have the purse strings, and I guess they have it under any of these three plans. Another thing I want is to have control of the budget finally in the legislature, and as I understand it they will have it. Another thing that I want is a real, honest to goodness audit. Chairman Champoux of the committee indicated there would be an audit, but I don't like the idea of somebody auditing themselves. I don't think that's a satisfactory audit and that's what it is, but Delegate Heliker indicated that he was going to offer -- or somebody was going to offer another type of audit to the legislative audit, and I think that that is a splendid idea, and I was wondering if I may ask Chairman Champoux if such an amendment is offered, if the committee will entertain it?

DELEGATE CHAMPOUX: Mr. President, may I reply?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: For the sake of the information of the assembly, Mr. President, could you read Mr. Heliker's proposed audit --

CHAIRMAN GRAYBILL: Mr. Heliker is going to have an amendment that says: The legislature shall be given an annual accounting of all the income and expenditures by each unit of the university system. In addition, the Chair would observe

STATE PUBLISHING CO. HELENA, MONT.

that the legislative auditor could still audit. Is there other comment?

Mr. Swanberg.

DELEGATE SWANBERG: I'll just be very brief, Mr. President. It just seems to me that with all the changes that are coming up in the field of education--this field of vo-tech, for instance--that I, for one, would want one single board to supervise it. I could see if there were two boards, the one board--the college board--might feel that some aspect of vo-tech should be under their jurisdiction and the other board might feel that some aspect of vo-tech should be under their jurisdiction, in spite of where it's assigned, and under this majority proposal there is no -- any one person that makes these assignments, and I think in view of this, one board making all these decisions is far to be preferred. That one board, of course, could divide itself up -- there's twelve to fourteen members -- and one subcommittee could be on higher education, another subcommittee could be on vo-tech, and the third subcommittee could be on the elementary system, and for that reason I favor either of the minority reports.

CHAIRMAN GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Mr. Chairman, I remember when Montana had a chancellor. Then the legislature in its wisdom refused to fund the chancellor. They used to write in their appropriation, there will be no money expended for a chancellor.

STATE PUBLISHING CO. HELENA, MONT.

The law stayed on the books. They didn't take it off. I saw some terrific fights. You think this is long. This is short to what I saw in the senate over a chancellor fight. I don't think this is long at all on this. I think this is a very important discussion this afternoon and I've enjoyed every minute of it. You people have stayed right on the line and I think it's been marvelous. Now, I don't care what we do, it ain't going to work.

(Laughter)

DELEGATE MAHONEY: I have seen the chancellor then come back. They thought everything was going to be fine, now we got the chancellor system. So, we got a new chancellor and he couldn't last. So, then we increased the size of the board of education. They did that. So, don't worry, whatever we do -- and we're going back to that thing. We're going to have an awful time with it. There's a few things I would like to see. Now, I heard Mr. Champoux say over here, and I think in all honesty he said that the vo-tech would be under the board of education. Well, then, I listened to the distinguished -- or, our distinguished member here from Silver Bow, saying that the vo-tech is being funded entirely by the state. It isn't costing anything. So, now we get the money coming from the state, going to be under the board of education, and they're not funded by the state because this goes back to the other angle. Now, we're going to have to get some of these things

STATE PUBLISHING CO. HELENA, MONT.

straightened out as far as vo-tech is. Now, in going down here reading, and I'm not much of a reader, but in line sixteen on page six, it says down here, a body corporate, which shall govern and control the academic, financial and administrative affairs of the university. Now, I hope if we get to where -- we are going to have to define what you mean by the word, financial. Are you guys the body corporate, coming into this body, to the legislature and saying, all we want is X-number of dollars. You give us X-number of dollars. We will spend it as we please. All six institutions -- now, thank goodness, the vo-tech is out from there because they'll have to get it someplace else. Now, if that means financial, I'd like to know that. If that's the way you're going to spend it -- now, I know, having served on that finance and claims committee -- and I am sure that with Senator Groff or with Norris Nichols, through the appropriations -- and I sets right down here -- right down here sets a former member of appropriations committee, Mr. Barnard, and a chairman of it -- I don't think you're ever going to get them to say so much money and you divide it up. Now, you might say that they can do it except that they will go and take out and says this is in the Constitution. This is not law. This is -- you people don't have nothing to say about this. This is what bothers me. Now, when we vote on these two boards, I would like to see it go back to have one board. If we have it in the general plan, I'd like to see

STATE PUBLISHING CO. HELENA, MONT.

seven getting together once in a while. I think Mr. Harper has a great idea. I hate to see these fellows meeting at the same time there. Now, I think another thing, we'd save a lot in administration. Now, I don't know whether you know this or not but the board of institutions -- their budget request last year just for the board of institutions--not for the institutions--was one million eight hundred thousand dollars for the biennium. This was the request. Now, these are the things when we start creating two boards. I just saw Ed Nelson up here today, who is now the board of regents manager and I think is doing a mighty good job. We'll have another one. I've watched this capitol grounds grow around here and I go down and I'm telling you, Ed's got a beautiful spot down here on -- down on Eleventh Avenue, and we'll have some more. Now, this is what we must realize and when we go to these. Now, if we have to go back to the majority plan, do you suppose we could put a little connecting link in there so they would have the same office and the same administrator and we could let them use the same stenographers and save a little money? This is the main thing I'd like to see because somewhere, somehow, somebody has to pay the freight around here. Thank you, Mr. President.

CHAIRMAN GRAYBILL: Mr. Kelleher.

DELEGATE KELLEHER: Mr. Chairman, my landlady stops feeding at five-thirty and in the last ten work days, I've

STATE PUBLISHING CO. HELENA, MONT.

missed six meals. When are you going to let me eat?

CHAIRMAN GRAYBILL: You'd better get a pair, Mr. Kelleher.

Mr. Champoux.

DELEGATE CHAMPOUX: May I answer very briefly, Mr. Mahoney? Charley, you're beautiful. He's great, isn't he? I think we ought to have an amendment to make him the commissioner of education of the state. However, vo-tech is funded in three ways. There are state funds, there are federal funds and there are local funds. The other point that you were making concerning the executive secretary, I'm glad it was brought up because Mr. Arbanas referred to who is going to be minding the store. Well, the store is being minded right now. They have an executive secretary, and he did refer to the gentleman. The building is already there. It's been in existence for I don't know how long. So, actually, you're not--are you going to get rid of the building? Is this the thing? I mean, the building's there, so it isn't going to mean a matter -- if I may just throw this -- if I may answer you. The building is there. Going to sell the building, Charley?

CHAIRMAN GRAYBILL: Why did you have to end in a question, Mr. Champoux?

(Laughter)

CHAIRMAN GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: I might state for the benefit of

STATE PUBLISHING CO. HELENA, MONT.

the assembly, this organization, the greater university, moved out of the Capitol building into a rented building last fall.

CHAIRMAN GRAYBILL: Mr. Driscoll, would you like to close briefly?

DELEGATE DRISCOLL: Mr. Chairman, may I close? It's quarter after five and I have to get back to Butte, America, and I'd like to close. Thank you.

(Laughter)

CHAIRMAN GRAYBILL: All right, the issue is on Mr. Driscoll's amendment. Mr. Driscoll's amendment is before you. It has the effect of calling for one board of education on which the governor, the attorney general, and the superintendent of public instruction serve ex-officio --

UNIDENTIFIED DELEGATE: Roll call.

CHAIRMAN GRAYBILL: -- with eleven other members. We'll have a roll call vote. So many as shall be in favor of Mr. Driscoll's amendment, vote Aye; so many as are opposed, vote No.

Mr. Eskildsen, for what purpose do you rise?

DELEGATE ESKILDSEN: I rise because I don't think this is a fair way to take this vote. I think if we are going to vote on a one body group, we should vote on -- decide whether we want one body or we should decide whether we want two bodies, and then decide if we take the one body, to take either Driscoll's or Gysler's. If we decide we want the two bodies,

STATE PUBLISHING CO. HELENA, MONT.

or the majority plan, fine.

CHAIRMAN GRAYBILL: All right, Mr. Eskildsen, I'm sorry but I will have to rule you out of order. We are in the middle of a vote. This is the way they came in. This is the last amendment to Mr. Gysler's amendment. If, when we get all through, you aren't satisfied, you send another amendment to the Chair and I'll put your amendment. Have all the Delegates voted?

(No response)

CHAIRMAN GRAYBILL: Any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, we'll close the vote. Please take the ballot.

Aasheim	-	Nay	Belcher	-	Nay
Anderson, J.	-	Nay	Berg	-	Nay
Anderson, O.	-	Nay	Berthelson	-	Aye
Arbanas	-	Nay	Blaylock	-	Aye
Arness	-	Aye	Blend	-	Nay
Aronow	-	Nay	Bowman	-	Nay
Artz	-	Nay	Brazier	-	Aye
Ask	-	Aye	Brown	-	Nay
Babcock	-	Absent	Bugbee	-	Nay
Barnard	-	Aye	Burkhardt	-	Nay
Bates	-	Nay	Cain	-	Nay

STATE PUBLISHING CO. HELENA, MONT.

1	Campbell	-	Nay	Harper	-	Nay
2	Cate	-	Absent	Harrington	-	Nay
3	Champoux	-	Nay	Heliker	-	Nay
4	Choate	-	Nay	Holland	-	Aye
5	Conover	-	Nay	Jacobsen	-	Nay
6	Cross	-	Nay	James	-	Nay
7	Dahood	-	Nay	Johnson	-	Nay
8	Davis	-	Aye	Joyce	-	Aye
9	Delaney	-	Absent	Kamhoot	-	Aye
10	Driscoll	-	Aye	Kelleher	-	Nay
11	Drum	-	Aye	Leuthold	-	Nay
12	Eck	-	Nay	Loendorf	-	Aye
13	Erdmann	-	Aye	Lorello	-	Nay
14	Eskildsen	-	Aye	Mahoney	-	Aye
15	Etchart	-	Aye	Mansfield	-	Nay
16	Felt	-	Nay	Martin	-	Aye
17	Foster	-	Nay	McCarvel	-	Nay
18	Furlong	-	Excused	McDonough	-	Aye
19	Garlington	-	Nay	McKeon	-	Nay
20	Gysler	-	Nay	McNeil	-	Nay
21	Habedank	-	Nay	Melvin	-	Nay
22	Hanson, R. S.	-	Nay	Monroe	-	Nay
23	Hanson, R.	-	Aye	Murray	-	Nay
24	Harbaugh	-	Nay	Noble	-	Nay
25	Harlow	-	Nay	Nutting	-	Nay

STATE
PUBLISHING CO.
HELENA, MONT.

Payne	-	Nay	Sparks	-	Nay
Pemberton	-	Nay	Speer	-	Nay
Rebal	-	Aye	Studer	-	Aye
Reichert	-	Nay	Sullivan	-	Aye
Robinson	-	Nay	Swanberg	-	Aye
Roeder	-	Excused	Toole	-	Nay
Rollins	-	Nay	Van Buskirk	-	Nay
Romney	-	Aye	Vermillion	-	Nay
Rygg	-	Aye	Wagner	-	Aye
Scanlin	-	Nay	Ward	-	Aye
Schiltz	-	Nay	Warden	-	Nay
Siderius	-	Nay	Wilson	-	Nay
Simon	-	Nay	Woodmansey	-	Aye
Skari	-	Nay	Mr. Chairman	-	Nay

CLERK SMITH: Mr. Chairman, twenty-nine Delegates have voted Aye, sixty-six have voted No.

CHAIRMAN GRAYBILL: Sixty-six Delegates having voted No, and twenty-nine Aye, the matter is defeated. Now, the next issue is Mr. Gysler's. Is there more discussion? Mr. Gysler, just a moment.

Mr. Aasheim.

DELEGATE AASHEIM: Will Mr. Gysler yield to a question?

CHAIRMAN GRAYBILL: Mr. Gysler.

DELEGATE GYSLER: Certainly.

STATE PUBLISHING CO. HELENA, MONT.

DELEGATE AASHEIM: In your proposal, Mr. Gysler -- or, Erv -- the general control and supervision of the state university and the various other state educational institutions -- what do you mean by state educational institutions?

DELEGATE GYSLER: Mr. Aasheim, this term is broad to cover what hopefully whatever the legislature would provide for the duties there, as far as education goes. It's the same as in the old Constitution there, Mags.

CHAIRMAN GRAYBILL: Mr. Aasheim.

DELEGATE AASHEIM: Will he yield to another question, please?

CHAIRMAN GRAYBILL: Mr. Gysler.

DELEGATE GYSLER: Yes.

DELEGATE AASHEIM: What was your reason for making the state superintendent of public instruction the executive officer of the board?

CHAIRMAN GRAYBILL: Mr. Gysler.

DELEGATE GYSLER: Mr. Aasheim, our reason for doing that, and I gave Mr. Arbanas a very poor answer an hour or two ago -- my reason for that was to make the state superintendent of public instruction in charge of the housekeeping when the people go home, when the board goes home. In other words, making the state superintendent of public instruction the number one there.

DELEGATE AASHEIM: Thank you.

STATE PUBLISHING CO. HELENA, MONT.

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Aasheim.

DELEGATE AASHEIM: I sort of, as I intimated when I spoke formerly, that I tend to favor this amendment or suggestion of Mr. Gysler's but I think it needs probably a little working over. I think it should be mentioned the fact we are also including public schools here, rather than educational institutions, and I also question here the matter of making the state superintendent the executive officer, as a senior officer above the governor. I do like the idea of having one board, as I said, and having twelve members, and dividing the membership into three different areas, but I think, like Mr. Eskildsen, we'd probably have here maybe a Hobson's choice, and I would hesitate to adopt this Gysler proposal, even if I do like it, with the wording as it is now, and right now I'm not ready to make any amendment to make it really workable. I really am not conversant with the problems that would be involved. However, as I said before, I do like this idea of a single board.

CHAIRMAN GRAYBILL: Mr. Arbanas.

DELEGATE ARBANAS: May I inquire of the Chair, please? If this were to pass, it could be amended afterwards and really the choice we have is between the -- now is between a plan with one and a plan with two, and once we adopt the plan we can amend it, can't we?

CHAIRMAN GRAYBILL: That's right.

STATE PUBLISHING CO. HELENA, MONT.

Mr. Gysler.

DELEGATE GYSLER: Mr. Chairman, I'll be short in closing. What I'm trying to do -- and I think I should say to Mr. Eskildsen, right now, I believe is the time when you choose between one board and two boards. The thing that I want to primarily do is to make everything one board with enough people so they can get the job done and so that we don't have three separate boards and then the two boards come together and fight. If there's going to be some fighting, let's get it done right inside the board that meets and every time a board meets, this board will meet. I take issue a little bit with Mr. Heliker's statement that the university system must be number one over all, because if the university system is number one over all and we let other phases of our educational system go to pot, then we won't have anyone qualified to go to the university system. Mr. Mahoney, as far as the things are concerned -- everything is -- your doubts, I feel that my plan basically takes care of this. Mr. Champoux a long time ago said the board proposed by me was too large, but yet at the same time he says his board should get together and meet and there's fourteen, plus one, which makes a board of fifteen. With that, I'll close.

CHAIRMAN GRAYBILL: We're going to have a roll call vote. Is that what you want, Mr. Kamhoot?

DELEGATE KAMHOOT: Mr. Chairman --

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: For what purpose do you rise?

DELEGATE KAMHOOT: Mr. Chairman, I rise for the purpose of explaining my vote. Delegate Kelleher has gone. He was going to vote against the amendment and I wanted to vote for the amendment, but I'll not punch the button. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Very well. Very well, we'll have a roll call vote. The issue is on Mr. Gysler's proposal for substituting his section nine for sections nine, ten and eleven in the committee report. His section calls for one board of education on which the governor and attorney general serve ex-officio, and the state superintendent of public instruction as executive officer of the board. So many as shall be in favor of that motion, vote Aye; and so many as shall be opposed, vote No. Have all the Delegates voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, cast the ballot.

Aasheim	-	Nay	Aronow	-	Aye
Anderson, J.	-	Aye	Artz	-	Aye
Anderson, O.	-	Nay	Ask	-	Aye
Arbanas	-	Aye	Babcock	-	Absent
Arness	-	Aye	Barnard	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Bates	-	Aye	Eskildsen	-	Aye
2	Belcher	-	Aye	Etchart	-	Aye
3	Berg	-	Nay	Felt	-	Nay
4	Berthelson	-	Aye	Foster	-	Nay
5	Blaylock	-	Aye	Furlong	-	Excused
6	Blend	-	Aye	Garlington	-	Nay
7	Bowman	-	Nay	Gysler	-	Aye
8	Brazier	-	Aye	Habedank	-	Nay
9	Brown	-	Nay	Hanson, R. S.	-	Aye
10	Bugbee	-	Nay	Hanson, R.	-	Aye
11	Burkhardt	-	Nay	Harbaugh	-	Nay
12	Cain	-	Nay	Harlow	-	Nay
13	Campbell	-	Nay	Harper	-	Nay
14	Cate	-	Absent	Harrington	-	Nay
15	Champoux	-	Nay	Heliker	-	Nay
16	Choate	-	Nay	Holland	-	Nay
17	Conover	-	Nay	Jacobsen	-	Nay
18	Cross	-	Nay	James	-	Nay
19	Dahood	-	Nay	Johnson	-	Aye
20	Davis	-	Absent	Joyce	-	Aye
21	Delaney	-	Absent	Kamhoot	-	Absent
22	Driscoll	-	Aye	Kelleher	-	Absent
23	Drum	-	Nay	Leuthold	-	Nay
24	Eck	-	Nay	Loendorf	-	Aye
25	Erdmann	-	Aye	Lorello	-	Nay

STATE PUBLISHING CO. HELENA, MONT.

Mahoney	-	Aye	Rygg	-	Aye
Mansfield	-	Aye	Scanlin	-	Nay
Martin	-	Aye	Schiltz	-	Nay
McCarvel	-	Nay	Siderius	-	Nay
McDonough	-	Nay	Simon	-	Nay
McKeon	-	Nay	Skari	-	Nay
McNeil	-	Aye	Sparks	-	Nay
Melvin	-	Nay	Speer	-	Nay
Monroe	-	Nay	Studer	-	Aye
Murray	-	Nay	Sullivan	-	Nay
Noble	-	Nay	Swanberg	-	Aye
Nutting	-	Aye	Toole	-	Nay
Payne	-	Nay	Van Buskirk	-	Aye
Pemberton	-	Nay	Vermillion	-	Nay
Rebal	-	Aye	Wagner	-	Aye
Reichert	-	Nay	Ward	-	Nay
Robinson	-	Nay	Warden	-	Aye
Roeder	-	Excused	Wilson	-	Aye
Rollins	-	Nay	Woodmansey	-	Aye
Romney	-	Aye	Mr. Chairman	-	Nay

CLERK HANSON: Mr. Chairman, thirty-eight Delegates voting Aye, fifty-four voting No.

CHAIRMAN GRAYBILL: Fifty-four Delegates having voted No and thirty-eight having voted Aye, the amendment fails. Will the Chair please have the Pages put these out.

STATE PUBLISHING CO. HELENA, MONT.

There's about twenty copies, two to a row. Mr. Harper, you're the first up on amendments to section nine. May we read yours, Mr. Harper?

DELEGATE HARPER: Please.

CHAIRMAN GRAYBILL: All right, the pages put out about two in each row. This is an amendment that has some text to it and we did not have any printing. I made about twenty copies so you can look at them. Will the Clerk please read Mr. Harper's amendment?

CLERK HANSON: (Reading) Mr. Chairman, I move to amend section nine, page six, line one, of the Education and Public Lands Committee proposal, by adding a sentence following the period after the word, concern: (quote) The state board of education shall determine budget requests to be made of the legislature after forming a plan for allocating funds to all phases of the state's educational programs. Signed, Harper. (End reading)

CHAIRMAN GRAYBILL: Very well, you're going to have that before you in a moment. The amendment goes in on page six, line one -- page six, line one, after the word, concern, in the middle of the first line. It says -- I'll read it again: The state board of education -- that's the combined board -- shall determine budget requests to be made of the legislature, after forming a plan for allocating funds to all phases of the state's educational programs. The state board

STATE PUBLISHING CO. HELENA, MONT.

of education shall determine budget requests to be made of the legislature, after forming a plan for allocating funds to all phases of the state's educational program.

Mr. Harper.

DELEGATE HARPER: Mr. Chairman, this is just in the nature of getting to work now to see if we can put into our so-called two board proposal some of the things that people who wanted the one board proposal were concerned about, and the thing I heard mentioned several times was the matter of making sure that budget allocations were looked at in the light of total educational program of the state, rather than in two segments, then coming to the legislature and in a sense in the nature of a dog fight between two conflicting elements, and since we have under this plan a state board of education set up, combining the efforts of the two sections, I offer this amendment. It does a perfectly obvious thing. It suggests that the state board of education will make a budget request to the legislature, and, of course, in order to do that they have to decide among themselves how they will allocate a total amount of fund they expect to get from the legislature. I hold no particular brief for the wording of this but I think the idea is perfectly obvious.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I am in support of that amendment.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: We still don't have copies.

CHAIRMAN GRAYBILL: All right, will someone in Mr. Romney's area get him a copy and I'll also read it again slowly: The state board of education shall determine budget requests -- now, that's by the state board of education named in section nine; that's the combined board -- shall determine budget requests to be made of the legislature, after forming a plan for allocating funds to all phases of the state's educational program.

Mr. Woodmansey.

DELEGATE WOODMANSEY: It appears to me that in this case I wouldn't particularly like to be the superintendent of public instruction, because each board of seven members will be there to defend the request from their area and it will be up to the superintendent to break the tie, and whichever way the superintendent goes, it will be the wrong way, it appears to me. I don't know how we can alleviate this but it looks like the superintendent is going to get caught in the middle right from the start.

CHAIRMAN GRAYBILL: So that you --

DELEGATE WOODMANSEY: Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: I think the body should have in mind these two other amendments. Mr. Garlington's amendment would substitute the governor for the superintendent of

STATE PUBLISHING CO. HELENA, MONT.

public instruction, so the governor would make the decision Mr. Woodmansey just discussed. Mr. Scanlin's amendment would leave the decision to the superintendent of public instruction but would require that the board meet at least quarterly to give attention to the unified budget and the superintendent would be chairman.

Mr. Rollins.

DELEGATE ROLLINS: Mr. Chairman, I think it's quite conceivable that a board -- the two boards might be able to agree without necessarily a deadlock each time. You are assuming -- someone's assuming that there will be seven on one board, dedicated solely to getting as much money for their segment as possible, and matched by seven on another board. It might possibly be that there are men and women with an intense desire to compromise and work out these matters for the good of all.

CHAIRMAN GRAYBILL: The Chair would like to observe for the benefit of the body that both the board of public education and the board of regents have seven public members plus the governor and the superintendent. Now, I realize they have no vote in either case, but in other words, there are other people on those boards.

Mr. Conover.

DELEGATE CONOVER: Mr. Chairman, will Mr. Harper yield to a question?

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: Yes.

DELEGATE CONOVER: Mr. Harper, is it your intention that your -- what you're getting at is at the vo-tech schools? You know, at the present time, that the financing of our public schools is already administrated through the state superintendent by the taxes and the foundation program. Now, just who are you relating this board of education -- is it strictly to the vo-tech schools?

DELEGATE HARPER: I'm not sure I understand that question, Mr. Conover. My answer would be that the legislature appropriates the funds for all of these now and will, according to this plan, too. My concern was that the legislature -- that the committee in the legislature on finance not be faced with asking from the vocational people and maybe as a part of that from different vocational units -- not be faced by asking from various units of the university system, and so forth, but that the board of education would be the place -- the state board of education would be the place where all of these things were threshed out together, so that when the legislature was asked for an amount, there would have been some agreement reached between the vocational-tech people, the community college people, the university people, the -- all phases of education.

CHAIRMAN GRAYBILL: Very well.

STATE PUBLISHING CO. HELENA, MONT.

Mr. Nutting.

DELEGATE NUTTING: Mr. Chairman, would Mr. Harper yield to a question, please?

CHAIRMAN GRAYBILL: Mr. Harper?

DELEGATE HARPER: Yes.

DELEGATE NUTTING: When we look at it realistically, though, we know what is going to happen and it's that the budget request is going to far exceed the amount of funds available. Is it your anticipation that this amendment will mean that the funds will be voted by the legislature and then it will be up to this board to again decide where the cuts come -- whether they'll come from the university or the elementary or the vo-tech, or where they'll come from?

DELEGATE HARPER: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: I can see two possibilities here. The legislature would decide which of the two it wanted to do. It may not do always the same way. The legislature need not come back with that kind of an appropriation and say to this board, we leave it up to you to apportion it out. They may, having the asking from the board in their hands, simply make the allocation any way they want. On the other hand, there may be points at which, or times at which the legislature might well say, we have this much money -- we will allocate this much of a fund to the board of regents of the university

STATE PUBLISHING CO. HELENA, MONT.

system; we'll allocate this much for another segment of it, and leave it up to the board to decide. I wouldn't want to try to second-guess the legislature on that, but I don't think there's anything implicit in this motion that tells about how the funds have to be handled after the legislature has allocated them.

CHAIRMAN GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: Mr. Harper -- May I direct a question to Mr. Harper?

CHAIRMAN GRAYBILL: Mr. Harper?

DELEGATE HARPER: Yes.

DELEGATE ROMNEY: Maybe a couple.

CHAIRMAN GRAYBILL: Yes, sir.

DELEGATE ROMNEY: George, in line seventeen, section eleven, the financial power is given at least to a degree to the board, so if the board comes up with a budget and the legislature doesn't have enough money to fund it and cuts it in part -- like you said, maybe one place or the other -- then does the board of regents lose its power to allocate?

DELEGATE HARPER: Mr. Chairman. Mr. Romney, let's start with this. It's for sure that this board of regents is not going to be able to allocate any more money than the legislature gives it, so if an asking comes in from the state board of education and then the legislature appropriates only a portion of it, then obviously all of the original allocations

STATE PUBLISHING CO. HELENA, MONT.

can't be made. I was suggesting that -- I suppose if this section eleven is passed without further amendment, that what you are suggesting would be true. The money appropriated for this area of higher education would be given to the board of regents and they would make the allocation.

DELEGATE ROMNEY: Mr. Harper, then it's a matter of who is going to divide the pie for the record, and that's what I was trying to bring out.

DELEGATE HARPER: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: There may be other amendments that need to be added in other sections here to answer this question of Mr. Romney's and they're probably in the minds of other people. I'm simply trying in this one amendment to make clear the duty of the state board of education to correlate this business of financial askings to the legislature.

CHAIRMAN GRAYBILL: Mr. Rygg.

DELEGATE RYGG: I have a question, I think, for Mr. Harper. I don't know just how this budget is going to be sent through the legislature. Do I understand then that it will bypass the administration department or the budget department completely and the budget will go directly to the legislature? Would that be it? That would be a difference from the past.

DELEGATE HARPER: Mr. Chairman.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: I must confess ignorance at that point. If the request is not made directly to the legislature, if there are other channels through which it ought more properly to go, and if this does not afford the right channels, then I would be open to an amendment. I'm not posing as an expert on financial affairs. I'm just trying to make clear -- at least give the basis for making clear here something that I think we'd all like to get at.

DELEGATE RYGG: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Rygg.

DELEGATE RYGG: This does cause me some concern. I'm not an expert on it either, but I have been on the appropriations committee a few times, and it would appear to me by this amendment that we are completely bypassing the -- all other parts of the administration department, and if this is a body corporate, am I to assume then that that is it, that any other part of the administrative department is bypassed and this corporate body gets its one budget directly to the legislature? That's the way this would read to me and I don't know if that's the proper mechanics or not. I don't know what difficulty it would make, but I think it would be a definite change from the present. Now, maybe that's the way it's supposed to be if this is a body corporate, apparently it's going to bypass all of the administration department or anything and

STATE PUBLISHING CO. HELENA, MONT.

it's going directly to the legislature. Mr. Chairman, could I ask Mr. Champoux a question?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I'll yield.

DELEGATE RYGG: Is that the way it would be, then, Mr. Champoux?

DELEGATE CHAMPOUX: Sterling, if you look at the examples in all other states, the procedure is to go through the executive budgetary department and I would assume -- we could specify here -- but I would assume -- I think what we want to do is to go through the regular channels as they go through presently, which you have described. Do you think we should dress it up here with more specific words?

DELEGATE RYGG: Well, the way it's worded, I certainly don't think it would go through the channels it goes through now.

DELEGATE CHAMPOUX: What do you suggest then? When you make a -- may I, sir? May I?

CHAIRMAN GRAYBILL: Mr. Rygg, you have the floor.

DELEGATE RYGG: Well, I don't know that I am prepared to make that amendment in there unless you'd -- I don't know if this is right -- you'd say, to the legislature through the regular channels, perhaps, would get it down to where I think it ought to be.

CHAIRMAN GRAYBILL: Now, may I have your attention.

STATE PUBLISHING CO. HELENA, MONT.

The Chair would like to tell you that I would like to finish section nine only tonight. There are four amendments on section eleven. If it's not possible to finish section nine tonight, maybe we won't, but I would like to try to finish section nine tonight. We have three proposed amendments--this one on the budgeting, one on whether to have the governor or the superintendent as the chief officer of the board, and the third one as to whether or not to have them consider the budget annually or quarterly. Those don't seem to be too difficult and I'd like you to try and work them out. Now, I don't know -- I think this is an interesting point that has been raised and Mr. Leuthold, although you were up, I see that Mr. Davis, who is an attorney and who has been on the education board is here. I wonder if he can shed light on this problem. I'll come back to you, Mr. Leuthold.

DELEGATE DAVIS: I think we can shed light on it by just unshedding the third line, to be made of the legislature, and make it read: The state board of education shall determine all budget requests after forming a plan for allocating funds to all phases of the state's educational program. Then it will just go through regular channels. I would move to amend the motion of Dr. Harper's by striking, to be made of the legislature.

CHAIRMAN GRAYBILL: Very well, Mr. Davis makes a motion that we strike out the words, to be made of the legis-

STATE PUBLISHING CO. HELENA, MONT.

lature, so that the sense of the Harper amendment is that the state board of education is to determine budget requests after forming a plan for allocating them to the state's educational program, the assumption being that that would leave them to run through the normal budgeting process.

Mr. Leuthold.

DELEGATE LEUTHOLD: Mr. Chairman, I'd like to help out here, and my suggestion is that we don't need any of these amendments, that in section one we have given the responsibility to the legislature to provide for education and if they are going to provide for education, they're going to have to provide the money. I think that everything is taken care of in section one and I don't think we need any of these amendments.

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: I would have to speak against that. I think what we are trying to do here, Mr. Leuthold, is to try to keep everyone from coming in directly to the legislature with their own budget -- each one of the units of the university system and the community colleges and the vo-tech and this -- in other words, they come up with a unified plan of all the educational expenditures and work that out in their boards, then present it. We do give authority to the legislature to fund it all, but rather than have them have to hassle at all at the outset anyway.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: May I simply accept Mr. Davis' amendment and strike that from my amendment, rather than to take the time to --

CHAIRMAN GRAYBILL: Well, we've debated yours far enough. I'm going to have to put it, but you may certainly say that you'll accept it.

Mr. Scanlin.

DELEGATE SCANLIN: Mr. Chairman, I know that Brother Harper and I are trying to head in the same direction, and would it expedite things if I submitted mine as a substitute motion at this point?

CHAIRMAN GRAYBILL: Your motion doesn't go to the issue of the budget that I can see, does it?

DELEGATE SCANLIN: It sure does, in about three words -- about two paragraphs less than Brother Harper's.

CHAIRMAN GRAYBILL: Just a minute. Let me read it. Very well, I'll allow you to make it as a substitute to Mr. Harper's -- wait a minute, now. I'll allow you to make it as a substitute motion and if it prevails, fine, and if it doesn't, we're back on the Davis-Harper problem. Mr. Scanlin's motion may be read by the Clerk.

CLERK HANSON: (Reading) Mr. Chairman, I move to amend section nine, page five, line thirty, of the Educational proposal by striking the following words starting on line

STATE PUBLISHING CO. HELENA, MONT.

thirty: (quote) periodically on matters of mutual concern. In case of a tie vote at such meeting, the superintendent of public instruction may cast a vote (end quote), and insert in lieu thereof the following words: (quote) at least quarterly comma giving primary attention to a unified budget, period. The superintendent of public instruction shall be chairman, period (end of quote).

CHAIRMAN GRAYBILL: Mr. Clerk, may I have it? Very well, Mr. Scanlin has offered a substitute motion, the effect of which is to put -- is to strike out everything after the word, meet. Strike out periodically on the bottom of page five and the rest of the sentence on page six and substitute these words so that the sentence reads: The board of public education and the board of regents of higher education, as hereinafter designated, shall together constitute the state board of education which shall meet at least quarterly, giving primary attention to a unified budget. The superintendent of public instruction shall be chairman. The point is that it simply says that this board shall meet at least quarterly, giving primary attention to a unified budget, and it makes the superintendent of public instruction chairman.

Mr. Scanlin.

DELEGATE SCANLIN: Mr. Chairman, it seems to me the scare word was periodically. It weakened the whole proposal. The strength of these three sections is in section nine. There

STATE PUBLISHING CO. HELENA, MONT.

you have your one board that everybody wants. I feel that the amendment that I offered would answer several of the very important objections that have been raised. First, it would fix the responsibility for a unified budget; second, it would solve the place of vo-tech by implication, as Chairman Champoux has indicated; third, it would give an elected official, the superintendent of public instruction, a very definite position of control; and, finally, it would make the position of superintendent of public instruction less attractive for unqualified political candidates. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Is there any discussion?

Mr. Rygg.

DELEGATE RYGG: Well, Mr. Chairman, this bothers me a little bit, too, because normally, the way it is now, the budget is made out on a two-year basis and I assume from what we are heading for, it will be an annual basis, but I really don't see how you could have a budget each quarter, and this would specifically say they would have to meet quarterly on a unified budget, and I rather think it should have to be on an annual basis to establish a budget, so I would wonder why they should meet quarterly for that particular reason.

CHAIRMAN GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Mr. Chairman, I think we have to realize there's still a little protocol in the United States, and I would hate to see the superintendent of public

STATE PUBLISHING CO. HELENA, MONT.

instruction presiding over a board that the governor is ex-officio member of. Now, we either let the governor off entirely, or put him on as chairman of that board. I think he's the man -- he's the chief executive, and I would hate to see him have to go in and sit down on that board as to be -- I understand Mr. Garlington has an amendment something along this line -- I don't know, but it was mentioned -- but please don't put the superintendent presiding over the board and the governor ex-officio, sitting there and can't even vote. With the highest priced man we've got, I think --

CHAIRMAN GRAYBILL: Is there other discussion? Mr. Scanlin, do you need to close?

DELEGATE SCANLIN: I'd like to clarify the concern of Delegate Rygg. The matter of meeting quarterly was not limited to a discussion of a unified budget, but the budget would be of primary concern in the difficulty that we face here, but it would not be limited simply -- the joint meeting of the two boards as the state board of education would not necessarily be limited just to financial matters. I would hope not. Mr. Chairman, I don't see where the governor is mentioned specifically in section nine, but I can see where Mr. -- Delegate Mahoney would bring the governor in in both sections ten and eleven. I recognize that objection.

CHAIRMAN GRAYBILL: Very well, the Chair would observe that if it passes it can be amended, but if it doesn't

STATE PUBLISHING CO. HELENA, MONT.

pass we won't worry about it. So many as are in favor of Mr. Scanlin's motion, which would have the effect of adding this language -- the section would then read: The board of public education and the board of regents of higher education, as hereinafter designated, shall together constitute the state board of education which shall meet at least quarterly, giving primary attention to a unified budget. The superintendent of public instruction shall be chairman. So many as are in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Noes have it and it's defeated. Very well, we are back on Mr. Davis' amendment to Mr. Harper's amendment. Mr. Davis' amendment was to strike out the center line, the third line, of Mr. Harper's motion so that Mr. Harper's motion would read: The state board of education shall determine budget requests after forming a plan for allocating funds, et cetera. It leaves off, to be made of the state legislature -- budget requests of the state legislature.

Mr. Nutting.

DELEGATE NUTTING: Mr. Chairman, is a substitute motion in order?

CHAIRMAN GRAYBILL: Well, I'll hear it, and see

STATE PUBLISHING CO. HELENA, MONT.

what its feature is.

DELEGATE NUTTING: I would move to strike everything after the word, shall, so that the -- and add the following words, so that the sentence would then read: the state board of education shall submit unified budget requests. The last sentence worries me about a plan for allocating funds and I think this would get around the fact that the budget plans would be submitted -- unified budget requests would be submitted and it would also take the -- everybody off the hook as to where they are to be submitted because they are -- if our different -- if we change procedures, they could be submitted wherever they would be necessary.

CHAIRMAN GRAYBILL: Do I understand it to be the sense of your motion that Mr. Harper's motion would then read: the state board of education shall submit unified budget requests -- is that what you're saying, Mr. Nutting?

DELEGATE NUTTING: (Inaudible. Microphone not turned on.)

CHAIRMAN GRAYBILL: And you're making that as a substitute motion?

DELEGATE NUTTING: Yes.

CHAIRMAN GRAYBILL: Very well, the issue now will be on Mr. Nutting's substitute motion which would have the effect of adding to section nine the following language: The state board of education shall submit unified budget requests.

STATE PUBLISHING CO. HELENA, MONT.

Is there discussion?

Mr. Rygg.

DELEGATE RYGG: I think this would be much better than the original motion. I think it would relieve me of my worries and I think they would go through in the regular channels and I would support this substitute motion.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: Mr. Chairman, I have no pride of authorship and I think Nutting, as usual, has said in four or five words what it takes a preacher a paragraph to say.

CHAIRMAN GRAYBILL: Very well, the issue will be on Mr. Nutting's substitute motion. It will have the effect of adding a sentence that says: The state board of education shall submit unified budget requests. So many as shall be in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: The Ayes have it and so ordered, and the sentence will be added on page six, line one, after the word, concerned, where Mr. Harper suggested. The state board of education shall submit unified budget requests. That's adopted, assuming that we adopt the section.

(Laughter)

CHAIRMAN GRAYBILL: Now, we have taken care of Mr.

STATE PUBLISHING CO. HELENA, MONT.

Scanlin. Mr. Garlington, you're next. Mr. Garlington's is very simple. It says: substitute governor for superintendent of public instruction in the last sentence, so that the governor casts the tie vote. In other words, in the case of a tie vote at such a meeting, the governor may cast a vote. You see, otherwise the governor and the superintendent have no vote.

Mr. Garlington.

DELEGATE GARLINGTON: Mr. Chairman, my problem in connection with this and the reason for the suggested amendment is to remove what seems to me to be an implied conflict of interest on the part of the superintendent of public instruction. I think it would be wrong to put that officer in that position. By history and tradition and common consent of all concerned, the superintendent's primary function is in the field of elementary and secondary education. There are two boards of equal size and dignity here and to put a person who is primarily associated with one board in the position of judging between the two if a deadlock should occur, would create the very sensitive situation that Mr. Woodmansey referred to. Now, if you search around for some way to resolve this, the name of the governor emerges as the most likely solution. He doesn't have any conflict between one board and the other because he appoints them both, and we're all citizens in the state together and we're all concerned with education together, and since the governor is elected by all hands, and

STATE PUBLISHING CO. HELENA, MONT.

represents all hands, and also is ex officio on both boards, so that he should have adequate information for casting a vote, he seems to make the most logical choice for being the one to break a tie if it should occur. I agree with Mr. Rollins that it would seem improbable that this would often occur, but the very fact that there is this means of resolving it, I think is healthy in avoiding the situation in any event.

CHAIRMAN GRAYBILL: Is there discussion?

Mr. Davis.

DELEGATE DAVIS: (Inaudible. Microphone not turned on for first words) -- member of the board,of the committee on education, I think this would be a very good idea to relieve the superintendent of being placed in this untenable situation.

CHAIRMAN GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Mr. President, I -- the governor has the responsibility to submit a budget to the legislature and I think this is one thing we don't ever want to take away from him. We want that budget submitted to the legislature by the governor. He is a budget officer. He is all of this. Now, I just question, if he's got a board there that all he sits there in case of a tie -- I would much rather see him the boss man of this board and say, now, you're going to submit this or I'm going to know the reason why. I don't like to relieve him of a responsibility in education. Let's get him right out there. This is -- make it part of his responsibility.

STATE PUBLISHING CO. HELENA, MONT.

I hate to think of a governor having to walk in and says, well, I can sit here but I can't vote. Now, we don't do that with the President of the Convention. We don't do that in anything else that we tell him. He can sit around here but he can't vote. Well, I think the time has come to go out here and make him a voting man of this board all the way through the way we've had it and he can -- they have done it in the past and I see nothing wrong and I'd hate to have him just vote in case of a tie.

CHAIRMAN GRAYBILL: Mr. Burkhardt.

DELEGATE BURKHARDT: I would support Mr. Garlington's proposal. I think the governor ducks in and out of these meetings and he's there from time to time but he doesn't carry the major brunt of it and I think when something critical is coming up, he'll be there -- if there is a tie, he'll be on hand, and I would support his motion.

CHAIRMAN GRAYBILL: Very well, the issue is on Mr. Garlington's amendment to substitute the word, governor, for superintendent of public instruction, so that the last sentence of section nine reads: In the case of a tie vote at such a meeting, the governor may cast a vote. So many as are in favor of Mr. Garlington's amendment say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

STATE PUBLISHING CO. HELENA, MONT.

CHAIRMAN GRAYBILL: It's adopted. Very well, we now have section nine reading as follows: The board of public education and the board of regents of higher education, as hereinafter designated, shall together constitute the state board of education which shall meet periodically on matters of mutual concern. The state board of education shall submit unified budget requests. In case of a tie vote at such a meeting the governor may cast a vote. The Chair has no more amendments before it. Do you want to move it again, Mr. Champoux, or do you want me to?

DELEGATE CHAMPOUX: After four hours, I would like to have the pleasure of moving this for a vote, please.

CHAIRMAN GRAYBILL: Please. Well, you want me to do it, though? Very well, members of the body, you have before you for -- on your consideration and on the -- for your consideration and on the recommendation of Mr. Champoux, that when this body arises and reports, after having had under consideration section nine, as amended, that we recommend the same be adopted.

DELEGATE CHAMPOUX: Roll call.

CHAIRMAN GRAYBILL: Roll call. So many as shall be in favor, say Aye --

DELEGATES: Aye.

CHAIRMAN GRAYBILL: So many as opposed, vote No on the voting machines. Roll call has been called for. So many

STATE PUBLISHING CO. HELENA, MONT.

as are in favor vote Aye and so many as are opposed, vote No. We are voting on section nine only, state board of education. Have all the Delegates voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Please cast the ballot.

Aasheim	-	Aye	Brazier	-	Aye
Anderson, J.	-	Aye	Brown	-	Aye
Anderson, O.	-	Aye	Bugbee	-	Aye
Arbanas	-	Aye	Burkhardt	-	Aye
Arness	-	Absent	Cain	-	Aye
Aronow	-	Aye	Campbell	-	Aye
Artz	-	Aye	Cate	-	Absent
Ask	-	Aye	Champoux	-	Aye
Babcock	-	Absent	Choate	-	Aye
Barnard	-	Aye	Conover	-	Aye
Bates	-	Aye	Cross	-	Aye
Belcher	-	Aye	Dahood	-	Aye
Berg	-	Aye	Davis	-	Aye
Berthelson	-	Nay	Delaney	-	Absent
Blaylock	-	Aye	Driscoll	-	Aye
Blend	-	Aye	Drumm	-	Absent
Bowman	-	Aye	Eck	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

1	Erdmann	-	Aye	Lorello	-	Absent
2	Eskildsen	-	Nay	Mahoney	-	Nay
3	Etchart	-	Nay	Mansfield	-	Aye
4	Felt	-	Aye	Martin	-	Aye
5	Foster	-	Aye	McCarvel	-	Aye
6	Furlong	-	Excused	McDonough	-	Absent
7	Garlington	-	Aye	McKeon	-	Aye
8	Gysler	-	Nay	McNeil	-	Absent
9	Habedank	-	Aye	Melvin	-	Aye
10	Hanson, R. S.	-	Nay	Monroe	-	Aye
11	Hanson, R.	-	Nay	Murray	-	Aye
12	Harbaugh	-	Aye	Noble	-	Aye
13	Harlow	-	Aye	Nutting	-	Aye
14	Harper	-	Aye	Payne	-	Aye
15	Harrington	-	Absent	Pemberton	-	Aye
16	Heliker	-	Aye	Rebal	-	Aye
17	Holland	-	Absent	Reichert	-	Aye
18	Jacobsen	-	Aye	Robinson	-	Aye
19	James	-	Aye	Roeder	-	Excused
20	Johnson	-	Nay	Rollins	-	Aye
21	Joyce	-	Aye	Romney	-	Aye
22	Kamhoot	-	Nay	Rygg	-	Nay
23	Kelleher	-	Absent	Scanlin	-	Aye
24	Leuthold	-	Aye	Schiltz	-	Aye
25	Loendorf	-	Aye	Siderius	-	Aye

STATE PUBLISHING CO. HELENA, MONT.

Simon	-	Aye	Van Buskirk	-	Aye
Skari	-	Aye	Vermillion	-	Aye
Sparks	-	Aye	Wagner	-	Nay
Speer	-	Aye	Ward	-	Nay
Studer	-	Aye	Warden	-	Aye
Sullivan	-	Aye	Wilson	-	Nay
Swanberg	-	Aye	Woodmansey	-	Aye
Toole	-	Aye	Mr. Chairman	-	Aye

CLERK HANSON: Mr. President, seventy-four Delegates voting Aye, thirteen voting No.

CHAIRMAN GRAYBILL: Seventy-four Delegates having voted Aye and thirteen having voted No, section nine is adopted as amended.

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. Chairman, I move the Committee of the Whole rise and report progress and beg leave to sit again.

CHAIRMAN GRAYBILL: The motion is that the Committee of the Whole rise and report progress and beg leave to sit again. All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: All opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: Very well, we'll do that. If you'll sit around a minute, we'll have it done for you.

STATE PUBLISHING CO. HELENA, MONT.

(Proceedings moved from Committee of the Whole to Convention, President Graybill presiding.)

PRESIDENT GRAYBILL: Will the Clerk please read the report of the Committee of the Whole?

CLERK HANSON: (Reading) March 11, 1972. Mr. President: We, your Committee of the Whole, having had under consideration report number ten of the Committee on Education recommend as follows: That the Committee rise and report progress and beg leave to sit again. Signed, Leo Graybill, Chairman. (End reading)

PRESIDENT GRAYBILL: Does anyone want the Committee of the Whole report read in full?

UNIDENTIFIED DELEGATE: Yes.

PRESIDENT GRAYBILL: Do you want to stand up and say that?

(Laughter)

PRESIDENT GRAYBILL: Mr. Eskildsen.

DELEGATE ESKILDSEN: I move the adoption of the Committee of the Whole report.

PRESIDENT GRAYBILL: It's been moved that we adopt the Committee of the Whole report. All in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: Very well.

STATE PUBLISHING CO. HELENA, MONT.

Mr. Eskildsen.

DELEGATE ESKILDSEN: Pursuant to the general powers vested in the Montana Constitutional Convention, and in accordance with the provisions of Section 7-(6) of the Enabling Act (Chapter 296, Laws of 1971), the Montana Constitutional Convention shall recess temporarily until nine A.M., on Monday -- on Monday, March 13, 1972.

PRESIDENT GRAYBILL: Now, the Chair would like to point out that we are going to meet Monday at nine and there has been some notes sent up to me that you want to think about and do some draftsmanship. Please think about it before nine o'clock Monday morning if you want to change section ten and eleven. All those in favor of the motion, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: So ordered. Thank you.

(Convention recessed at 6:05 P.M.)

STATE PUBLISHING CO. HELENA, MONT.